George Bancroft

Political

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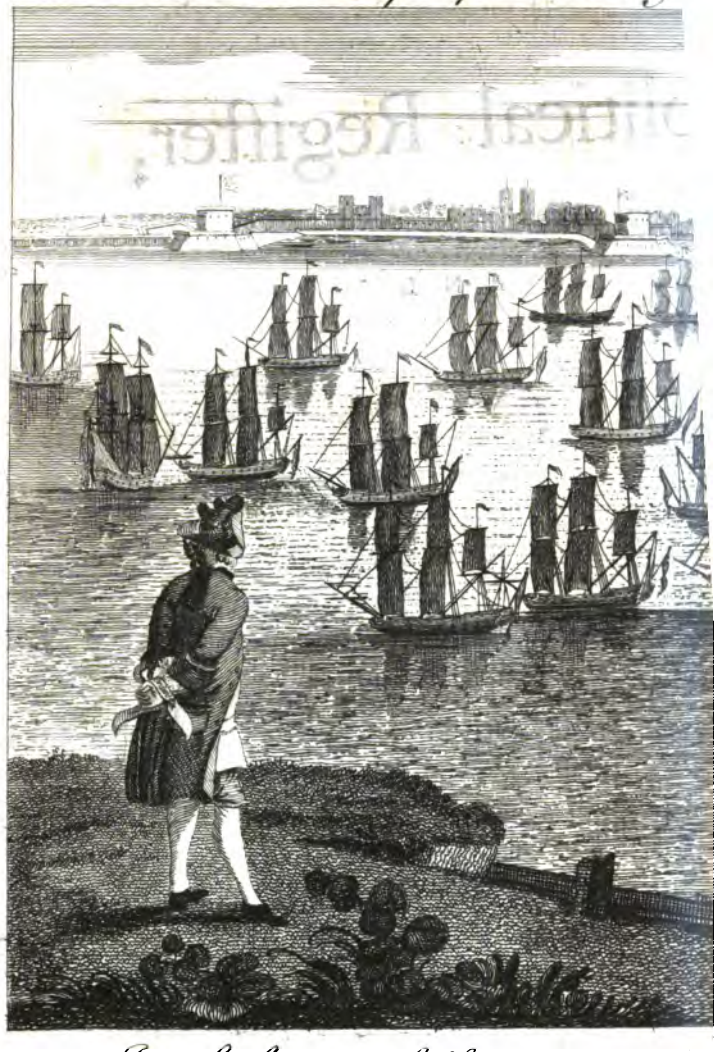
Admiral Rodney before Cartag



I with thirteen Sail attended;
Can this Spanish town affright;
Nothing has its wealth defended,
But my Orders — Not to Fight.

Hoffer's C

THE

Political Regiſter,

AND

LIST

OF

NEW PUBLICATIONS,

For M,DCC,LXXII.

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THE

POLITICAL REGISTER.

For JANUARY, 1772.

NUMBER LIX.

To the Printer of the POLITICAL REGISTER.

SIR,

THE Jews having been detected from time to time as the chief receivers of stolen goods, and therefore justly presumed to be encouragers of our lower people to such acts of felony; having also been lately charged with and suspected of many burglaries; and some of them convicted of the same; and as by these misdeeds they are become a sort of topic of common conversation; I judged it not amiss to inform here your Readers *of their History in England*, by which no disparagement to them is meant, many honest, worthy men being found among them, but only to give an idea of the genius and dispositions of that people, as it appears from Historical Evidence.

WE do not read any thing worth mentioning concerning the Jews in England, till the time of King John; except that they were invited into this kingdom by William the Conqueror, and came hither from Rouen in Normandy. So early as the reign of King Stephen, in 1145, they were accused of crucifying a young Christian, in contempt of Christ and his religion, and were accordingly punished for it. They were again prosecuted for the same atrocious fact at Gloucester, in the reign of Henry II. 1160; and for a third committed at St. Edmondsbury, in 1181. More of such persecutions may have happened in other places, which

Matthew Paris has not mentioned; and these he has accompanied with some circumstances, which we shall pass by unnoticed, because more frequent instances of them occur in the following centuries, than the generality will be inclined to believe; though we shall be obliged to mention the most remarkable of them, as they were always, if not the true cause, yet at least the pretence and forerunners of the most severe punishments inflicted on that unhappy nation.

We pass on therefore to King John, whose reign was so troubled with intestine feuds, that he was forced to maintain himself by the hardest exactions; the heaviest of which fell of course on the Jews in his dominions, whom he caused to be imprisoned, and put to most violent tortures, when they refused to pay such taxes as he laid on them; and at length, we are told, he confiscated all their effects, and banished them by a public edict. Matthew Paris mentions a taxation on a Jew at Bristol, of whom the king demanded ten thousand marks; and who suffered his flesh to be torn off his bones, and seven of his teeth to be drawn out, one each day, till he complied; but paid the sum, rather than lose the eighth.

The Jews did not fare much better under the long reign of Henry III. during which many of them chose to turn Christians, to avoid the severity of his government; but, being afterwards detected, were justly punished for their dissimulation. This did not discourage that Prince from endeavouring their conversion; to promote which the more effectually, he caused a seminary to be founded for the maintenance of Jewish converts, and where they might live without labour or usury; which soon induced great numbers of them to come into it: and that houses we are told, subsisted a considerable time.

The Jews of Norwich were some time after accused of having stolen a Christian child, and of having kept him one year, in order to circumcise and crucify him on the ensuing passover; but the fact being timely detected, they underwent a due punishment. They are charged by Matthew Paris, with having repeated the same crime three times in that city, with very little variation of circumstances. On the first, they were brought to the King's Court at Westminster, and there confessed the fact; for which they were only confined, and their lives left at the king's disposal. The same accusation was laid against them the following year; and four of the wealthiest of them were hanged, and their effects confiscated. Lastly, they were accused of the same fact before

fore the Bishop, in 1239, at which time it was that the child's father found him in the Jew's house, after he had been lost a whole year. The accused in vain appealed to the king; the bishop maintained, that the crime, being of a religious nature was cognizable only by the Spiritual Court; upon which four of them were dragged at the tail of so many horses to a gibbet, where they were put to death. So that they must have been very incorrigible to dare commit the same crime so many times within the space of five years, and after having been so severely punished for it.

Some years after the Jews of London were indicted for the same crime, but with some difference in the manner; the child having been sold to them by his parents, and crucified, and the fact discovered by some miraculous circumstances not worth relating; so that he was canonized for a martyr, and his relics wrought strange wonders. However, the murderers could not be found out; only some Jews having left London about that time, were shrewdly suspected. Their whole nation was still more alarmed the following year, when the shepherds made such havock of them in Spain, France, and Germany; and they had reason to fear the storm would fall next upon them here; to prevent which, they purchased an edict from the king, forbidding any one to hurt them in any of his dominions. But as that prince's minister was still craving for more money, and they refused to pay it, they were accused of some murder committed in London, where, after various vexations and sufferings, they were obliged to pay one-third of all their wealth. On this occasion, Matthew Paris tells us of one single Jew, named Aaron, who paid at different times, to extricate himself out of prison, and other vexations, about 200 marks of gold, and 30,000 of silver. The rest fared no better, being prosecuted sometimes for coining false money, at others, for counterfeiting the king's seal, and such like; from which they found no other way to escape than by bleeding frequently to the monarch, or bribing, as they did in several instances, their judges to be favourable to them.

The holy war, to which Henry was pressingly invited by the Pope, proved another pretence for squeezing money out of his subjects, and especially from the Jews, whom he made no scruple to strip of all they had left. The next was the pretended Spanish war, to which the nobility and gentry refused to contribute till it was actually declared. The Jews were again called upon for new supplies, but being quite exhausted, begged leave they might leave the king-

dom for ſome more propitious country. Elias, one of their brethren, undertook to plead for them before the council; and in a pathetic ſpeech, which was accompanied with a flood of tears, repreſented the impoſſibility of their paying ſuch an exorbitant ſum as was demanded of them; and begged they might be rather baniſhed the kingdom than be thus inhumanly oppreſſed; profeſſing, that if they were to be flayed alive, they were not able to raiſe the money. He ſwooned away, or pretended to do ſo, at the concluſion; but the council, who probably gave no credit to him, obliged them to produce the greateſt part of the ſum demanded. The next year the king demanded 8000 marks of them; and upon their pleading inſolvency, ſold them to his brother Richard, who paid him that ſum for them, and would in all likelihood have made them refund it double, had he not been convinced of their real poverty ann miſery.

The Jews of Lincoln were about the ſame time accuſed of having crucified a young Chriſtian, with the following circumſtances of inhumanity: that they fed him ſome time before with milk, to make him more ſuſceptible of pain; that they convened an aſſembly of the moſt conſiderable Jews in England, to aſſiſt at his execution; that they appointed one of them to act the part of Pontius Pilate, and pronounce ſentence of death againſt him; that they cauſed him to be whipt till the blood guſhed out, to be crowned with thorns, buffetted, ſpit upon; that every one of them plunged his knife into him; that they made him drink vinegar, and crucified him by the name of Jeſus; that they pierced his heart with a ſpear, and after he was dead, took out his entrails, to uſe in their magic operations, and flung the reſt of his body into a well belonging to that houſe, where the ſorrowful mother after a long ſearch found it. One Copin, at whoſe houſe the fact was committed, not only confeſſed it before the Lord Lexington, upon promiſe of having his life ſpared, but owned it to be a uſual cuſtom among them to do ſo every year, if they could procure any ſuch children. The king, upon his coming from the north of England, being informed of all, highly blamed that nobleman for promiſing to ſpare ſuch a villain's life, and revoked his pardon; upon which Copin was dragged at a horſe's tail to the place of execution, where he was hanged in chains, or, as Trivet in his Chronicle for 1267, words it, "His body and "ſoul were made a preſent to the demons of the air." Their condition was ſtill more deſperate all the time of the league and civil wars which happened during that prince's

 reign;

reign; wherein, let which ſide ſoever get the better, they were ſure to be cruſhed by it; at leaſt we find that the leaguers ſeized on their ſynagogue at Lincoln, and from thence paſſed into the Iſle of Ely, and made dreadful havock among them. And it is likewiſe pretended that Henry III. did at length baniſh them by a perpetual edict.

This baniſhment is variouſly related by Hiſtorians, as well as the motives of it. The Jews affirmed it to have happened in the year of the world 5020 (of Chriſt 1260) which our learned Selden juſtly looked upon as a palpable miſtake, and that the former date ought to be 5050; which would be more probable, if that error had not been in more authors than one; but as it is the ſame in moſt of them, it is more likely that they have either deſignedly or inadvertently antedated the diſaſter by thirty years.

Accordingly, an inſcription was found engraved, in Hebrew letters, on a ſtone in Wincheſter gaol, where probably the Jews of that county had been confined, to this purpoſe: "The commonalty of the Jews were arreſted "and impriſoned in the year of the world 5047." So that they could not have been baniſhed either in the year of the world 5020, or of Chriſt 1260. Beſides, the leaguers being defeated by King Henry, ſeized on the ſynagogue of Lincoln above-mentioned in 1267. From which it is evident that they were ſtill in the kingdom, and had their public meetings about the latter end of that monarch's reign. We may add, that none of our Engliſh annaliſts have made any mention of the perpetual edict, but, on the contrary, obſerve that his ſon Edward I. cauſed the Jews to be impriſoned in 1287, and to be all baniſhed three years after. The annals of the Dominicans of Colmar affirm, that this happened in 1291; which is the more probable, becauſe the council that was held in London, and cauſed their baniſhment, bears date 1291.

The occaſion of the baniſhment is likewiſe variouſly related. One Jewiſh writer pretends, that they had been falſly accuſed to King Henry of counterfeiting his coin, and by thoſe very rogues who had done it; and that the proſecution was carried on with ſuch vehemence againſt them, that the king, who ſaw through it, ordered them to be baniſhed, to ſave them from a more cruel puniſhment. Another tells us, that a prieſt falling in love with a beautiful Jeweſs, and not being able to obtain her by any other means, ſubmitted himſelf to be circumciſed, and abjured Chriſtianity; which being ſoon after known, the zealots inſiſted

that

that all the Jews in London ſhould be burnt alive; but that the king only cauſed thoſe to be burnt who had a hand in that fact, and baniſhed the reſt. But in neither caſe it is credible that he would, for the crime of a few private perſons, baniſh a whole nation which had ſo often filled his coffers.

A third pretends that his ſon Edward, ſeeing the country almoſt ruined by famine and peſtilence, was eaſily perſuaded that the incredulity and wickedneſs of the Jews had drawn down thoſe two dreadful puniſhments on the whole nation; upon which they were all called upon to turn Chriſtians. But that not having removed the famine, they began to aſcribe the continuation of it to the violence they had offered to their conſciences. Upon which the king ordered two pavilions to be erected near the ſea-ſide, the one with a red croſs over it, into which the ſincere proſelytes, and the other with the law of Moſes in it, into which the diſſatisfied converts were bade to repair. But many of the latter ſuſpecting ſome private deſign againſt them, forbore to go to the Moſaic booth; and well it was for them; for thoſe that did were immediately maſſacred, and their bodies flung into the ſea. In this manner Cordoro Las Excellencias, a Spaniſh Jew, has accounted for and related this affair, on the authority of other Jewiſh writers.

It is however agreed by moſt Chriſtian authors, that this edict was publiſhed againſt them about the latter end of the thirteenth century, which is farther proved by public records, found in ſome chanceries. Trivet affirms, moreover, that king Edward, who baniſhed them out of his kingdom, granted them money to tranſport them into France, and afterwards confiſcated their effects. Walſingham ſays much the ſame thing: and Polydore Virgil tells us, that this edict was enacted by a council that ſat at London in 1291, and being deſirous to 'ſever the goats from the lambs,' ordered the Jews to leave England in a few days, but with a permiſſion to take their effects with them. He adds, "that they obeyed, and that the nation, which was then very numerous in England, took their final leave of it, and ſtill removed from place to place till they all periſhed; whoſe loſs, ſays he, needs not be much regretted, provided they leave behind thoſe ſacred books, without which it would be difficult for us to preſerve our religion for the future." It is plain our author had no great belief in thoſe prophecies which aſſure us that they will be actually recalled before the end of the world. However that be, it is plain they

never

never more appeared in a body in this kingdom, from that time, till they were recalled to it, in the time of Oliver Cromwell, who thought it expedient for the carrying on of his designs, to employ them as spies in most parts of Europe. On that footing for private intelligence they still stand with our government. But it may be observed, that the act of their expulsion is still in force against them; for Cromwell's power, as usurped, could never give them here a legal settlement, unless ratified by some subsequent law, which does not appear to have taken place.

For the POLITICAL REGISTER.

The two following Letters, the first on Card-playing, *the second, on* Preaching, *are from a* Chinese Mandarin *at London, to his* Friend *at Pekin.*

THE English partake of a more terrible diversion than that of the Tragedies, which are represented on their theatres. It is called the recreation of play or gaming. This spectacle is exhibited in almost every house.

The stage is a green table; and the principal actors that do business in the scene with the players, are small pieces of pasteboard, painted on one side with magic figures, which raise very surprizing commotions in them: but they do not produce the same effects in every one of the players: some they enliven with a gay and smiling countenance, others they deject with a gloomy and sullen air.

The scene is not limited to any fixed time, but opens most commonly about night-fall, and closes about the break of day; for the acts of the pieces are sometimes longer and sometimes shorter.

The play is a sort of science that consists in being happy, and this happiness is merely a combination of chance. The main point of skill in the science arises from having certain pieces of pasteboard rather than others, and it is in this preference that lies the difficulty of resolving the problem of the play. The annals of the British monarchy mention a great number of citizens, who either hanged or drowned themselves for not having been able to resolve this problem.

The written law on this sort of play may be found in a book, which almost all manner of persons have by heart, without ever having read it. Besides this printed code, there are also Doctors of Gaming, who decide certain points

points which the legiſlature could not foreſee; for ſectari always ſtretch the dogma.

This play is alſo a kind of civil war, wherein almo always the weakeſt beats the ſtrongeſt, and wherein boldne is often more neceſſary than prudence; ſometimes alſo tim dity ſucceeds and courage fails. The ſpectacle is again di vided into two branches, playing for little, which make the ſcene diverting, and playing deep, which forms a ſcen of affliction. In the one, the parties may be a little out c humour, in the other they are ruined. One might be calle the comedy of the world, the other the tragedy of chance.

It is ſcarce poſſible to paint theſe ſcenes to the life. ſhall only tell thee, that an infernal fury torments the actor in the tragic part. Some beat themſelves and tear thei cloaths, others break and daſh the ſtage and ſcenery i pieces, and devour or commit to the flames thoſe very magi figures that torment them; with the moſt horrid impreca tions. There are other conſequences too diſmal to men tion.

EVERY nation, among Chriſtians, has its manner o preaching what they call the goſpel. Some Chriſtian preachers make of the pulpit a tragic theatre, from whence the audience are melted into tears of repentance; and others make a comic ſpectacle of it for exciting laughter.

In Scotland, the doctrine of the Kirk aſſumes ſometimes a ridiculous, ſometimes a gloomy aſpect. Anon, you ſee the congregation like Milton's death,

Grin horribly a ghaſtly ſmile!

Anon, you ſee their faces clouded with diſmal gloom! ſeldom a ray of hope, unleſs they fancy themſelves the elect and predeſtinate, can pervade their boſoms, ſo that all is commonly mental torpor, black, huge, and dire deſpair! In England, you would ſwear that the preachers and teachers of a ſect of people called the Methodiſts, are as ſo many Pythoneſſes, ſitting on tripods, waiting a divine inſpiration to deliver oracles. Like yeaſt, they fret and ferment, till the proud demon burſts forth into all the effuſions of enthuſiaſm. There are others in England, called Quakers, not ſigned with the ſign of their God on their foreheads, who, like Sybills, pretend alſo to inſpiration, and utter their oracles, as it were on detached leaves, to be blown about by the wind of the ſpirit, to reſt God knows where.—What ſhall we ſay of the preachers of the eſtabliſhed church of that king-

kingdom? It seems as if the scene of the gospel in it, was calculated for exciting oscitancy in the congregation. The ministers that preach the gospel do this business with so cold an air, that one might safely aver they had no other design but to cherish and maintain in due proportions the lukewarm state of sinners. The morality of the pulpit with them is a mere monotony: the music of the sermon is always on the same key, and this is what dulls and flags all the senses, and disposes them to a lethargic disposition.

An able physician, who had sometimes assisted at the sermons of his parish, perceiving that these sermons, like some narcotics, made him dull and heavy, took it in his head to prescribe to his patients, who happened to be disordered by a Coma Vigil, or watchfulness, that they would assist at the preaching of the word of God once a week. This remedy was attended with so salutary an effect, that his patients, after two or three Sundays, enjoyed the sweets of a most profound and composed sleep.

Since this experiment, it stands demonstrated, that there is no opium which contains the hundredth part of the soporiferous quality of a Church of England sermon.

The Art of convincing depends on that of persuading. Conviction is a consequence of persuasion.

All know, and all are sensible, that the same words pronounced in a certain manner, produce a certain effect, and uttered in another manner produce one that is quite different. It is the tone of voice that does all. Such a speech, exciting gapings, yawnings, and nauseas, because pronounced with a frigid or languid air, would raise agitations and even transports, if heated by animated action. If one was to doubt of this truth, he need only give a little attention to what passes on the theatre, where the actors make no impression but proportionately to the fire and active spirit they animate their respective characters with. Besides reading is not preaching.

The art of speaking is so powerful over the senses, that the ancients found themselves at length obliged to shut up the tribunals where the speeches were wont to be made, to prevent the judges from being biassed in their sentiments by the orators.

The orators of the church of England-pulpits give into the contrary excess, or rather defect. Their evangelical discourses have indeed a body, but they have no soul.

It is alledged, that the word of God is of itself sufficient to declare its importance, and that has no manner of occa-

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ſion for that impulſion which is neceſſary for ſetting off othe ſorts of ſpeeches. This I grant, and would be of the ſam opinion, if it was preached to angels; but it is preached t men, whoſe ſenſes in order to be rouzed and moved, requir always to be put in agitations.

For the POLITICAL REGISTER.

The Prince taught the Ways of Wiſdom. An Eaſtern Tale.

THE Kaliph Al Thell, of the race of the Gulhephaïdes, had a miniſter by the name of Pittham, a male favourite by the name of Buttan, and a female favourite by the name of Schottiah. Theſe, with his mother Gallah, governed him upon all occaſions. Not that he was warmly affected to the Vizir Pittham; for the falſe inſinuations of his favourites cauſed his brow-beating him at ſundry times for frivolous reaſons; but as Pittham was the idol of the people, a man of approved integrity and abilities, he ſtood in awe of him, and was conſtrained more through fear than love to revere his counſels. The Kaliph's peculiar character in the main verged to good intentions, but warped by the ſiniſter impreſſions of Buttan, it aſſumed an air of ſelf-will and obſtinacy, yet could give no reaſon for ſuch ſtiffneſs in opinion, for indeed his mind was weak. But as moſt princes learn more or leſs the art of diſſimulation, he could ſometimes addreſs Pittham coming out of the Divan: Thanks are too ſmall a recompence to make you a return of. The greateſt favour Mohammed can grant ſovereigns is a wiſe friend, that vouchſafes to conduct them through the immenſe labyrinth of ſtate affairs, and to carry continually before them the blazing torch of wiſdom. You ſhall be always the luminous ſtar that ſhall guide my ſteps, and you ſhall always keep them diſtant from the precipices I am often encompaſſed by. Divide with me my power, which you make my ſubjects to love, and my neighbours to fear. Let the friend of Al Thell be held in equal reſpect with himſelf.

"Adorable Schottiah, ſaid the Kaliph, whenever he entered his favourite's perfumed Alcove, it is only when I ſee you, that I can think I live: then pleaſure permeates all my ſenſes. The charms of your voice tingle delight in my ears; a glance of your eyes ſets my heart on fire; 'tis in your arms that love inebriates me with its delicious tranſports. Sovereign of my ſoul, be alſo ſo of my empire: I would have

have the leaſt deſires of your will be ſacred laws; I would have all your wiſhes accumulated; I would have all my ſubjects prompt to obey your orders, to prevent your wants, and all ready to bend the knee before her whom I adore. How I thank my ever dear Buttan for the ineſtimable bleſſings he has conferred on me, by bringing me acquainted with ſo divine an object!"

Schottiah's principal ſtudy was how to flatter the Caliph, and amuſe him with occupations quite beneath the dignity of a Prince, whoſe views ſhould be all noble, grand, and magnificent. By attending to her ſchemes, or rather thoſe of her adviſer, Buttan, his conceptions, ſuch as they were, ſeemed to become daily narrower, and by being converſant in low and little things, contracted ſuch a meanneſs, as brought upon him the odium and ridicule of not a few of his beſt friends. A mere niggard in all other reſpects, he was all profuſion to Schottiah's dependents and adherents; he had laviſhed on them immenſe treaſures; yet, as it is uſual with the paraſitical tribe, they were ever hungry, ever craving.

The wiſe Pittham, on his ſide, manifeſted the moſt vigorous exertions for making his adminiſtration conducive to the happineſs of the people and the glory of his maſter. He watchfully attended to the ſupport and execution of the laws, to the regulation of impoſts, to the progreſs of population, to the ſecurity of commerce. He protected agriculture, made arts to flouriſh, encouraged literature, cauſed religion to be reſpected. The admirable order he had eſtabliſhed in the ſtate put every part of it in motion, ſo that none of them could obſtruct others, or impede their different operations; on the contrary they were productive of mutual ſuccours, and lent each other a relative force, whence reſulted a power of unſhaken ſtability. Every ſpring was binding, every balance exact, every wheel had its proper direction. An equable and eaſy progreſſion made the movement circulate. Every thing worked inceſſantly, yet without ſtruggles, without interruption, without colliſion. The ſovereign is often nothing more than the needle that regulates and is conſulted; but the miniſter is the pivot on which the whole machine rolls.

Pittham would fain ſometimes engage the Caliph to attend to princely cares, to purſue occupations worthy of a monarch's application; but all his invitations had little more effect, than to induce him to return with more fondneſs to partake of the pleaſures and amuſements Schottiah had prepared for him. Not that theſe were in themſelves expenſive

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George Bancroft

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Political

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peace of UTRECHT. "Thus it appears, says he, that the English ministry DID JUSTICE TO ALL THE WORLD: but their country refused it to them: they were branded with all the terms of infamy and reproach by the *whig-party*, and accused of having given up the privileges and rights which England had to expect."

And the artful Scot finishes with the peace of *Paris*, which was wholly under his own direction; and of which he made his boast in the House of Lords. Nevertheless, though the director of the peace, here is not one single word dropt about him, in this signal event, which must have been, had the history been written by any other pen, and not under his own eye. But how delusive is this sorcerer, who manifestly wrote his history chiefly for the opportunity of thus declaiming behind the curtain, upon that infamous peace;—"The discontents, says he, which many have expressed at the conclusion of the late peace, that WE did not insist upon *harder* terms, and increase our possessions, were ill founded: since it is probable we are already possessed of more than government can manage. There is ever a certain extent of empire, which politics are able to weild; beyond this, her magnificence is but empty pomp, and her size but sickly corpulence."

But what has this to do, with a peace made under the umpirage of a prince claimant of the British crown† ? what has it to do with delivering up Guadalope, Martinico, and the Havannah ? and with allowing a conquered enemy, to write his own terms ?

There is reason to believe this Jacobite-history is artfully and *gratisly* too put into families, and into private hands, in order to render the pestilential poison epidemical. The execrable myrmidons of the Thane are every where busily employed, in corrupting the minds of the people; and disposing Britons for a submission to tyranny and oppression‡—assuredly it must become the sincere friends of liberty to be watchful against so subtle a fiend, and hellish an enemy, for, in proportion, as he is supposed to influence the king, (whose eyes may the Lord open!) we can truly calculate the degree of danger we are in, of subversion.

Upon the whole, if the cause of civil and religious liberty can be protected and nourished by Tories, or by Jacobites and papists, we cannot possibly have any idea of liberty that

† The K. of Sardinia, who entered his protest against the coronation of Geo. III.

‡ It is impudently ascribed to *Lord Littelton*.

consists

consists either with reason; nature, or the experience of mankind, or, if such high notions of prerogative, as have animated the breasts of all the Scotch family of the Stuarts, can harmonize with the spirit of the laws, or with the genius of a British free people, then we might with this historian, reckon it an hard measure to cut off insurgents, whose aim manifestly was, to restore the House of Stuart, give the utmost scope of operation and influence to kingly-prerogative: and then, indeed, we might look upon the whole crew of defenders of despotism, as the only gallant and brave men we have on record; and bitterly lament over their miscarriage! in consequence, we should consider all advocates of the rights of the people, as erroneous in their opposition to the advocates of arbitrary power.

But when all kinds of evidences do proclaim, that our laws and liberties never have been, nor ever can be safe in the hands of Tories, Jacobites and Papists, we must look upon the design of this historian with the utmost indignation.—For what if that despicable pimp of prerogative, the pitiful pensioner *Samuel Johnson*, has, in his Dictionary, thus defined a *Tory*, *viz.* "that he is one who adheres to the ancient British constitution of the state, and the apostolical hierarchy of the church of England, opposed to a whig." Yet, this same pander of power, is as little able to shew, that a Tory is any more an adherent to the ancient constitution, considered as free from tyranny, than he is to shew, that the *hierarchy* of the church of England has any thing, at all in it, apostolical. The depraved wretch has, however, by his tory-principles feathered his nest, or made his bed soft and easy under a tory-administration.

AN HATER OF TORYISM.

To his Grace the DUKE *of* GRAFTON.

ONCE more, my Lord, accept the accustomed homage; an homage you have successfully laboured to deserve, and which the impartial justice of Junius never has refused you. You will not say that these addresses are disagreeable to you; you will not deny that you have ever listened to their perusal, with gestures expressive of the most contemptuous satisfaction; that you have continually proposed them, as proper subjects of mirth for the sycophants that surround you; and that they are become marvellously assistant in the entertainment of your acquaintance.—Return thanks to the powers above, that your Grace's character supplies *an inexhaustible fund of humour*; return thanks to the hand that hath so liberally

rally assisted you in the enjoyment of their bounties; and among the constant purveyors of your convivial pleasures, rank foremost—Junius. To the generality of the wretched instruments of arbitrary power the titles of traitors to their country, of deserters of their king, would convey no satisfaction. They would curse the hand that attempted to unveil the black series of their transactions, and be happy when the memory of their crimes should be forgotten.—The Duke of Grafton is no common villain—To him the cries of his injured country, the imprecations of a people, whose dearest rights he has laboured to destroy, are but as the amusements of an idle hour, as ingredients necessary to the enjoyment of a jovial evening. He prides himself in the palm of meanness, and is pleased in being distinguished as the first of traitors. The miscreant tribe that attend and participate his crimes, maintain a listless neutrality in the œconomy of their features, unknowing what character to assume. They are incapable, my Lord, of conceiving you in earnest when you glory that your villainies are known to those your villainies have injured, and smile exulting over the page that records the history of your oppressions. When you bid them ridicule the miseries of their country, and divert themselves with the accusations of its defenders—Accusations whose justice you will not attempt to controvert, for you are conscious they cannot be refuted—the unprejudiced part of mankind almost doubt the possible existence of this phœnomenon of vice and folly, this equivocal complication of meanness and insensibility. The companions of your former fame look with amazement on this last stretch of excellence—EvenFox and Rigby own you have outdone them.

Let me confess myself unfeignedly grieved, that affairs of more importance now demand my attention: let me hope your Grace's candid allowance, should I for the future be less assiduously frequent in my applications to you, than I have been. The unhappy spirit of inactivity and disunion, at present so fatally prevalent among the friends of liberty, calls for every effort of every well-wisher to his country; and I am driven to consume in vigorous attempts to impede the progress of this growing malady, those hours of business I would chearfully dedicate to your Grace's entertainment.—Yet I cannot take my leave of you, while even the least considerate of my countrymen think themselves justified in imagining I have treated you unfairly.—And as among the numerous, and important charges I have offered to the public, the last, and least significant, has met with the most violent, and continu-

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ed opposition, permit me to return to the affair of Whittlebury forest.

Various, trifling, and inconsistent, are the apologies your Grace's conduct has occasioned—I will expose them in order to the impartial eye of the public, conscious that their appearance will be their best confutation. I will rest it with my fellow citizens to determine, with what degree of justice, their authors have asserted, that Junius has been convicted of premeditated falsehood, or his most material accusations proved palpably erroneous.

A part of your ingenious defendants declaim with vehemence against the invasion of your hereditary right to the underwood.—They inform us that you have *meritoriously* postponed the repairs of our navy, and the most consequential interests of your country, to the preservation of—a few *nut-bushes!*—They assure us, that your remissness in forwarding manœuvres, concerted for the advantage of the former, proceeded entirely from your fears of the *temporary* inconvenience the latter might sustain. Must we accept this, as an apology for your behaviour? Will you, my Lord, consider these men as your friends, who in their defence of your conduct, ascribe to you more folly, more meanness and depravity, than the accusations of Junius every supposed you possessed of? We are informed from another hand, "that the preservation of the succession of young trees is a great national concern." We assent to the justice of this observation; but it has not as yet been proved, in what manner by the execution of the surveyor's warrant, this succession would have been endangered.—For surely these men will not attempt to persuade us, that a sufficient number of plants could not have been with ease removed from beneath the falling trees, without occasioning the destruction even of the *bushes*, your Grace appears so solicitous to preserve. But Philalethes tells us, your Grace is become of a sudden uncommonly charitable; and that your tender anxiety for the interests of the poor was the real reason of your conduct.—He insists, that by the felling of the timber, the poor would lose their right of commonage. Must we take Philalethes's word for this assertion, or may we beg a proof? For surely to vulgar apprehensions it would appear that if the young trees are transplanted, the underwood need not be lopped, nor of consequence the coppices be fenced in. The cattle of the poor would find little inconvenience in being obliged to feed upon the rest of the forest, during the felling of the trees; your Grace's new-born charity would not be

 pained

pained by the damages they might sustain, and in the end, your—*nut bushes* would be the only sufferers.

To the same hand we are indebted for another piece of intelligence—That the bark, which is a material article in May, is in July and August absolutely worthless. Let us agree with him that the difference of the seasons would create some difference in the value of this commodity; let us even suppose that by this proceeding the profits of this *material* article would be entirely lost.—Is no regard then to be paid to the pressing distresses of the British navy? Is it of no consequence that those bulwarks on whom our safety against foreign invasions alone depends, should not remain another year in their present ruinous condition? Philalethes's maxim is of more universal import than he himself seems to be aware of.—It affects not only the plantations in dispute, but every Royal forest in the kingdom. If a trifling difference in the value of the bark, or even the entire loss of that commodity, must be considered as of such ridiculous importance, till the return of the season no timber throughout England can be felled. And whilst the naval strength of our natural enemies is, by their industry, continually increasing, our coasts must become every day more and more defenceless. He tells us the Lords of the Treasury issued not the warrant without expecting that due regard would be paid to the circumstances attendant on its execution.—Does he by this mean to insist, that moved by just representations of the ruinous condition of the English navy, they issued a warrant *requiring immediate execution*, with an intention, that if it should prove agreeable to the Duke of Grafton, the trees might be felled in another year?—Surely I may be excused in calling this reasoning trifling, and inconclusive; surely this ludicrous parade of impolitic œconomy, is but a lame apology for your Grace's conduct.

The remainder of your partisans seem conscious of the weakness of these arguments, and rest all hopes of palliation, or excuse, upon a different ground; to which, as it is the only plea in your Grace's favour I have not already considered, I shall now proceed.

We are assured by these men, that the insolence of the Deputy was the sole cause of your extraordinary behaviour—That not the warrant itself, but some trivial circumstances attending its execution, were the objects of your resentment. If we even suppose that to be the case, if we allow you to have some plea for wreaking your vengeance on the man, whose impoliteness had displeased you, why was it not confined to him? In what had your country offended you, that the oaks still

keep

keep their ground, and its naval strength still remains decaying, and unrepaired? When the unhappy victim of your malice had severely suffered, under pretence of a different misdemeanor, for an *imaginary* offence to you, why were not the orders he received carried with more decorum into execution? —Considering your boasted cares for the welfare of your country, considering the place you hold in the confidence of your *respected* sovereign, had every one else declined assisting in the execution of a warrant so necessary, we could not sure have expected it of you! What but your own interest rendering you deaf, and insensible to every call of virtue or of honour; what but the precise truth of the circumstances Junius has related, could be the cause of this extraordinary delay?

To say after this, that the arguments in your Grace's favour are absurd, inconsistent, and improbable, would be unnecessary. It would be but to anticipate the unavoidable conclusions of every friend of candour, of every well-wisher to his country. But to remove all possibility of subterfuge and evasion, to preclude every possible impeachment of my candour and impartiality,—let us for once suppose them granted in their full force; let us suppose premeditated malice a palliation of injustice, and ludicrous attempts after ratiocination, sufficient apologies for your Grace's *wary tardiness* in the service of your country. What is it they will prove? That there were some minute particulars, with which it was impossible for Junius to be acquainted; that your Grace's conduct in this affair had been more exquisitely ridiculous, more thoroughly detestable than even Junius had conceived it.

Of my most material accusations, these ingenious apologists have not even attempted a confutation. As they remain unrefuted, accept a repetition of them unretracted. Exult in the remembrance, that pleading the inadvertent omission of a *form*, you have maliciously ruined an honest man and his family; that a declaration, on which you have rested your honour, has been proved to be a *lie*. The witnesses of these facts have been so numerous and respectable, that anonymous assertions can weigh little on either side; and when your *personal* denial shall have been as public as your commission of them, proofs shall not be wanting of your guilt.

As to what more particularly concerns myself, I am confident that my countrymen, who have known me ever vigilant in the defence of liberty, will not easily believe the invidious assertions of her enemies.

They are well acquainted with the fertility of your Grace's character. They have not so mean an opinion of my under-

 standing,

ſtanding, as to imagine, that I would riſque my credit with them, by the invention of falſhoods, when they know that I cannot make you more ridiculous and deteſtable, than by painting you as you are. They will not think me ſo abſurdly obſtinate, as to continue to defend an inadvertency, when the world in general muſt be convinced of my error. It would not be my intereſt to do it. The candid and penetrating will believe me when I declare, that ſenſible of the uncertainty of all human evidence, I ſhall not unwillingly retract, where I have erred without intention; nor be backward to remedy, by a proper recantation, the evils a too haſty judgment might otherwiſe occaſion. Let me leave my countrymen leſs ignorant of their real intereſts, and I ſhall not anxiouſly ſolicit the reputation of infallibility; let me but arrive at truth in matters of this importance, and I care not through what channels I receive her. I ſhall neither be ungrateful for the aſſiſtance of the friends of liberty, nor deaf to the information of her enemies. Every hint on ſubjects ſo intereſting, ſhall receive its due conſideration; and to him who deſerves an anſwer, it ſhall not be refuſed.

After ſuch profeſſions of impartiality; after the many proofs of my candour your Grace has already experienced; you will not fear my being hereafter unjuſt alone to you. You have formed a deſign worthy of the peculiarity of your talents. Your prudence in the choice of your colleagues has been exemplary. Your *amiable* Sovereign ſeems at length to be bleſſed in the poſſeſſion of what he hath ſo long in vain required; ſervants whoſe *patriotiſm* his meaſures would not offend, whoſe intrepid villainy their conſequences could not diſcourage. While the court, that den of ſlavery, rings with eulogiums on *miniſterial firmneſs*, think not that Junius is blinded to your merits. Think not that he will ever deny a plaudit to the qualifications that have raiſed you to the place you hold in the confidence of the Sovereign, and the *eſteem* of the people—to that amazing ſtrength of underſtanding that hath rendered you too well acquainted with the commands of reaſon ever by miſtake to act according to her dictates; too knowing in the paths of virtue, ever to blunder into the right—to that exquiſite policy that hath hitherto preſerved you from ſhame and deſtruction; that hath ſhewn you at once too ſeriouſly deteſtable to be laughed at, and too deteſtably ridiculous to be deteſted.—The fabulous legends of pious anchorites pretend not to an unremitted obſervance of the duties of religion; you alone can boaſt an unerring continuance in the paths of infamy. No ſolitary virtue hath ſullied the glories of your career, nor

hath

hath your anxious attention to the ruin of your country ever known an intermission. Greatness like this will not lose its reward. England will hereafter triumph in having produced the first of villains; and St. North, St. Sandwich, St. Mansfield, and St. Grafton, cannot fail of canonization, from every votary of the infernal deity their actions evidently worship.

From the London Packet, Dec. 13. JUNIUS.

An authentic Account of the Trial of the Causes between the Duke of Portland, and Sir James Lowther, on Tuesday, Nov. 20.

AFTER the council was drawn up ten deep on each side, and the judges seated in their robes, and the special jury from Cumberland impaneled, and the musty rolls of parchment scattered round the court from all the offices in the kingdom, Mr. Wedderburn opened a short case for Sir James Lowther, in the cause of the forest of Inglewood, shewing, that the Forest of Inglewood and the Honor of Penrith had been held as separate and distinct manors from the earliest times down to the grant to the Earl of Portland by King William, when their several rights had been blended together, and ever since enjoyed by the Portland family, under a grant for the Honor of Penrith. This he endeavoured to prove, to the satisfaction of the learned jury, by a hundred pipe rolls, in the most crabbed Latin that ever grated the ear of man. He then called for some leases, to prove the defendant in possession under the Duke of Portland, and some parole evidence that proved the premisses contended for to be within the Forest of Inglewood: and, lastly, the lease from the crown to Sir James Lowther, to establish his right.

In reading this paper, after all the said and aforesaid furze, heaths, wastes, shrubs, waterways, rights, members, appurtenances, courts, royalties, regalities, &c. &c. they came to the words "thirteen shillings and four-pence" as the reserved rent to the crown. At which words the judges started instantaneously, as if struck with an electrical shock, declaring the lease was contrary to the civil list act of the first of Queen Anne, which enacts, that in all leases from the crown there shall be reserved the antient or most usual rent, the rent paid for twenty years back, a reasonable rent, or one third of the clear annual profit, none of which were fulfilled by thirteen shillings and four-pence. The objection seemed to be totally new to the council for Sir James Lowther, who appeared to be more shocked than even the Judges themselves. The

court gave them an hour to recover their senses, and consult together. In the mean while, the solemn expectations of the audience were changed to a ridiculous laughter. The jurymen dined in court to the satisfaction of the spectators; while Mr. Woodhouse, the Duke of Portland's attorney, with the agility of a waiter, served up the repast. When the fatal clock had sounded the hour, Sir James Lowther's council returned in a train like a mourning procession from the Abbey; they endeavoured to mutter forth such arguments as nobody would then listen to, alledging, "that one third of the profits was reserved to the crown by covenants in the lease. That this was the only mode of complying with the intent of the law, where the rent was fluctuating or uncertain, and could not be ascertained, as was the case of courts and royalties. That the reservation intended by the law was to be taken in a liberal sense, the securing such and such profits to the crown without establishing, by a narrowed construction, such principles as must defeat the execution of the act. That with regard to the rent for the last twenty years, the sum reserved was many millions of times more than that, which indeed had been nothing. That with respect to a reasonable rent, there was hardly a man in court, when he beheld the council, briefs, proceedings and pipe rolls, and calculated the charges they must have cost Sir James Lowther, for recovering the estate for the Crown after the expiration of three lives, who would not think, that including these circumstances, thirteen and four-pence was as much as Sir James Lowther ought to pay. That respecting the antient rent, there was no evidence on the rolls to shew that the royalties and courts have ever stood in separate charge."—But the Judge, without a reply, ordered the cryer to roar aloud for John Dent, who making no answer, was nonsuited.

Thus, to the honor of the laws of this country, the civil list act, which was made to protect the property of the Crown, for the benefit of the Public, was the means of depriving the Public for ever of the benefit of a large estate which had been usurped from it: and the same act which had been made, in consequence of the exorbitant grants to the first Earl of Portland, was now the means of confirming his usurpations to his posterity.

The day following the cause for the soccage Manor of Carlisle came on to be tried. It was opened by Mr. Wedderburne with great elegance and force, seeming to rise on his former defeat and his retreat to the castle. He said that it had been given out by the other side to cover the weakness of

their

their cause under popular clamour, that his client had chosen this spot to try the question upon, from some particular circumstances which might render the possession of the Duke of Portland doubtful. That he disclaimed every subterfuge of that kind: that he admitted and allowed the Duke of Portland in possession: that he wished to try the fair merits of the question, What right his Grace had to such possession? which had been much misrepresented to the world. He boldly asserted that the title of the Duke of Portland was so faulty in every respect, and his usurpation so late as the year twenty-nine, without a colour of right, and that no modern conveyancer would have depended on it between man and man, much less against the rights of the public which had ever been held sacred.——That the pity and compassion which had been called forth on this occasion was wholly unmerited, and could only arise from the personal qualifications of the noble Duke, forgetting the circumstances of his predecessors.—That the question before the court was not that of a person who had paid a valuable consideration for property, but that of a family who after having received the most unbounded grants from King William in perpetuity over half the counties of England larger than had been bestowed on a subject, had likewise usurped large possessions and even the demesne lands of the antient crown of England, without any just pretence whatsoever. That he undertook to prove from the earliest period of our records in the northern counties, that the Castle and Manor of Carlisle had been in the possession of the crown, and regularly continued till the year 1729, when the Duke of Portland under the colour of his Grant, of the honour of Penrith had got possession.—That so far from the honour or Manor of Penrith conveying the Castle and Manor of Carlisle, that he would show they had ever been held by separate grants even possessed by the same persons.

Mr. Wedderburne then called his evidence, which chiefly consisted of ancient records, dry, tedious and unentertaining in the reading; all parties were now busily employed endeavouring to catch at every doubtful word or entry. But at last on the Friday following at eleven o'clock in the morning Mr. Wedderburne compleated his proofs.

Then began the war of tongues.

The council for the Duke of Portland rested their defence wholly on the defects in Sir James Lowther's lease. They first observed that 50l. the reserved rent in the lease was not the ancient or most usual rent, or any rent within the Civil List act.—That the lease to the Earl of Cumberland it is

true

true reserved 50l. rent, and that all the leases from Queen Henrietta Maria and Queen Catherine stated that sum. But the learned gentlemen observed, that the Earl of Cumberland had the Castle in his lease which Sir James Lowther had not, that therefore the premises could not be the same. That Sir James Lowther had mines included in his lease, which the Earl of Cumberland had not.—That altho' it was true there were no mines open on the premises yet they might be found in the course of the three lives or thirty years. That besides trees were both granted and excepted in Sir James Lowther's lease, which was not the case in the Earl of Cumberland's, and though it was also true that there was not a tree on the whole premises, yet they likewise might grow up in the time of the lease, as the life of a man in the eye of the law was a thousand years.

Mr. Wedderburn answered these objections by shewing that Sir James Lowther's lease could not be deemed discordant to the civil list act, by containing a less quantity of the same premises, and paying an equal rent as the antient lessor.—That with respect to mines, as there were none on the premises, there could be no rational dispute about them.—But he was well informed that the first lawyer that ever sat in Westminster-hall (hinting Lord Hardwick) had given his opinion that mines were not included within the possible meaning of the civil list act, more especially when unopened, since they could be subject to no rational calculation whereby to fix the rent to be reserved. That all leases of mines from the crown had, ever since passing the act, been let under covenant in the lease to account for certain profits as were the terms under which Sir James Lowther held, with a condition of forfeiting the lease in case of failure.—That such was the best and only method of securing the interest of the public on such property as afforded no method of calculation, so as to comply with the exact words of the Civil List act. That in case the judges determined otherwise, such a decision would set half the property of the kingdom, held under leases from the Crown, afloat. That all trees being fully excepted in the lease, and no trees being on the premisses; the answer was compleat. The judges declared their opinions against all other parts of the exceptions, except one, but reserved this point, namely, the mines for a special verdict. The council for the D. of P. then proceeded to state another objection to Sir J. Lowther's lease, by shewing he had not set forth the value of the premises in his petition, neither the other leases he had received from the crown, both which were required by the first of Henry IVth. —Mr. Wedderburn replied, to the satisfaction of the court, that

that this ſtatute, is not obſolete, was virtually repealed by the firſt of Queen Anne. That Sir James Lowther had actually ſet forth in his petition that the lands in queſtion had been uſurped, and were then of no value to the crown which was undoubtedly the fact, that the report of the Surveyor General which was refuſed to be read, though united to the petition ſet forth the expence Sir James Lowther muſt be at in recovering the lands in queſtion for the crown which had been fully conſidered at the time of granting the leaſe, nor could any man ſay the King had been deceived.

All the judges gave a clear and decided opinion againſt the objections ariſing on the ſtatute of Henry IVth.—The laſt objection was concerning a ſubſiſting term of two years, to which, though enforced by the engaging eloquence of Mr. Dunning, nobody would give any attention, as it ſeems the caſe, after having been toſſed to and fro in the ſea of legal uncertainty, had lately been determined in the court of Common Pleas, namely, That a term where the truſt had been ſatisfied could not be ſet up to defeat the title of the owner. ——Upon all theſe points, without pretending to ſhow any title, except poſſeſſion, the council for the Duke of Portland reſted their defence.

The court directed a ſpecial verdict. The lawyers wrangled two hours in ſettling of it. It was at laſt agreed as follows:

The Jury find,

As to all the premiſes compriſed in the declaration, except two acres and a ſtable with a piece of ground thereto adjoining; containing one rood, in the poſſeſſion of the defendant Jackſon, Not Guilty. That King James, in right of the crown, was ſeized of and demiſed the premiſes contained in the leaſe to the Earl of Cumberland, at the time of making that leaſe. That King George the Third, in right of the crown, was ſeized of and demiſed the premiſes contained in the leaſe to Sir James Lowther at the time of making that leaſe.

That the premiſes in the poſſeſſion of Jackſon are parcel of thoſe premiſes.

Find both the deeds prout. That 50l. was the antient rent contained in the Earl of Cumberland's leaſe, except as is therein excepted. That 50l. was under the third part of the clear annually value of the premiſes contained in the leaſe to Sir James Lowther, at the time of granting ſuch leaſe.

The petition for Sir. James Lowther's leaſe prout, and that his leaſe was made in conſequence of that petition.

That at the time Sir James Lowther presented such petition, Sir James Lowther had a demise of the forest of Ennerdale.

Mr. Wedderburn and the Attorney-General signed the paper, then the Attorney-General tore off his name.—Mr. Dunning declared he would never sign it, and gave the other party a challenge to meet to morrow at eleven, to settle the dispute. The old Chief Baron quite worn out, rose up in some emotion and declared the paper was the verdict of the Jury; and ordered the clerk to enter it up accordingly. Upon which his Lordship walked out of court, followed by his train-bearer, nor were the Jury long behind it, being by this time eleven at night, and the suit in such a favourable train, that the bar may reasonably expect a three years crop will yet be taken by the lawyers on both sides, before a final decision can possibly be obtained.

Proceedings of the House of Commons of Ireland.

ON Wednesday (Nov. 13.) the House resolved itself into a committee of accounts, Mr. Lill being chairman. Sundry motions were made by Mr. Barry, Mr. Flood, Mr. Wood, and Sir William Mayne, for ordering the proper officers to lay before the committee, some very necessary papers and accounts, among which were a list of the licenses granted by the Chief Governor, or Governors of Ireland, to pensioners to be absent. An account from the Quarter-master-general of the particulars of the expenditure of a sum exceeding seven thousand pounds, charged to the account of furnishing lodgings to the troops, and stabling for their horses; also, the particular sums issued by the Vice Treasurer, or his deputy, under the head of *Concordatum.*—This was observed to be the more necessary, as by his Majesty's instructions, if any money was issued on that head, beyond a stipulated sum, or without proper authority by King's letters, the Lord Lieutenant, or such of the Privy Council who signed the order for such payment, were to have the money so issued stopped out of their respective salaries. And it was believed that there would appear a defalcation of 31,000l. which had been issued contrary to those instructions.

These motions were agreed to, though some of the courtiers laboured hard to prevent that relating to the Quarter-master-general, under pretence that it could not be got ready in less than a fortnight. But Sir William Mayne soon removed

moved that objection, by saying, he did not doubt but the Quarter-master-general kept regular books and entries of all money by him paid or expended; and that he would himself take the trouble of copying out the accounts, that public business might not be delayed.

A little before five o'clock the committee adjourned, and the speaker resumed the chair, but the house did not sit long. The majority seemed very anxious to get away, which Sir William Mayne perceiving, said, he would not then detain them, though he had some very important motions to make, which he would therefore defer till the next day; adding, that he had been well informed, *that certain commissions had been made out, and were now kept secret in this kingdom, in which were some names, that, when known, would make Ireland tremble.*

The House then adjourned at about half past five o'clock.

On Wednesday, as soon as the Speaker took the chair, Sir William Mayne moved, " that as he had been informed " that the Quarter-master-general was *not* the proper officer " to lay before the House the Accounts he had moved for " the day before, concerning the expenditure of seven thou- " sand pounds, as mentioned above, that the said Order " might be dismissed, and a fresh Order made *for the proper* " *Officer* to bring in the said Account," which passed in the affirmative.

He then moved, " that the proper Officers do lay before " the House the number of effective men, commission and " non-commissioned Officers on the military establishment " at the concluding of the last peace; and also at Lady- " Day, 1771," which was agreed to.

It was also moved, " That an Account of the Expences " incurred by Government in carrying on Crown Prosecu- " tions from the first of August, 1767, to the first of Nov. " 1771, inclusive, he laid before the House," this also was agreed to.

Some private Petitions were then received, read, and referred to separate Committees, and then the Order of Nov. 9, was read, for the House to resolve itself into a Committee of the whole House, to consider on the heads of *a Bill to prevent Delays of Justice by Reason of Privilege of Parliament*; and accordingly the Speaker left the Chair, and the Committee sat, Mr. Le Hunte being Chairman, and made some progress in that bill."

Last Friday, the sitting was taken up in committees, inspecting public accounts, and examining Collectors of the

revenue at the table of the House. Nothing passed remarkable, but the objection Mr. Anthony Malone made to the calling for so many papers, and looking so minutely into so many articles; this, he said, only delayed business, for to do the whole accurately would take up twenty years. He was answered, that if it would take up *a thousand*, it was necessary that as much should be done as time would permit, that the nation might be satisfied their representatives did their duty.

The former part of the sittings on Saturday was employed in receiving petitions, and giving leave for heads of bills to be brought in. In which business nothing occurred but matters of form, except in one case; the House was moved to give leave to bring in heads of "A bill for exempting "such waste and unprofitable lands as may be hereafter cul-"tivated, from taxes for a certain term." Col. Burton moved, to add after the word *from*, the words *tythes and*. This produced a debate; the friends of the Clergy were alarmed at the proposal, that any ground should be cultivated and rendered useful, without the Clergy reaping an *immediate* benefit. The Provost and Mr. Scot spoke strenuously against the amendment. The friends of the bill shewed that many people were deterred from cultivating their waste grounds, from their being immediately liable to tythes and taxes, before the improver had received any advantage. Whereas, if they had an exemption for seven years, it would produce more tythes and taxes than they could do, without some such encouragement. However, the motion was withdrawn, till a more unexceptionable title could be framed, and then it will be again moved for.

The capital business of the day then began. Mr. Flood acquainted the house, he had certain information, that the law officers of the crown had been advised with, in regard to the legality, and that the Ministry in England had been applied to, and, he believed the commissions were made out for an addition of five more commissioners of the revenue. That the customs and excise were to be divided into two distinct boards, the former to have seven commissioners, and the latter to have five. That such a new arrangement would be very destructive to this nation, as it would not only increase the expences thereof, 50,000l. every year, for the salaries of the new commissioners, the new officers under them, and building a new house for their residence, and a new office to transact business in; but it would be of great hurt to trade, by obliging merchants to pay double fees,

and

and go to two offices to do that business, which they now do with ease and dispatch at one. He called upon the law officers, and the gentlemen of the Ministerial Bench, to contradict him if he was wrong, in saying such a step was in agitation; if they did not, he should take their silence for an avowal. They were silent; they answered not one word, and then he went on, and concluded with moving the House to come to a resolution to this purport, "That it appears to "this House, that *seven* commissioners of the revenue are "*sufficient* to transact the business thereof."

Sir William Mayne seconded the motion of his honourable friend, and shewed the impropriety and wanton cruelty of burthening the nation with the expence of new offices and unnecessary officers, at a time when it was groaning under a heavy debt, and little likely to be able to pay any of it. He said, he should not be quite so tender as his friend, but would speak the truth, however disagreeable it might be to the gentlemen on the other side of the house. That he was assured a regular plan was laid down for enslaving this nation; that new offices were created to keep men firm to the court interest, by expectation of enjoying those places; that he did not doubt but each commission had been promised to five or six different gentlemen; but that he was certain the design was, after they had augmented the board, then to garble it, and put in a number of Englishmen sent from the other side of the water to be checks over the rest, and spies on the conduct of this country. That in order that it might not seem an innovation to introduce a number of men from Great Britain to our revenue board, one was to be appointed in the first commission, and that one was no other than the detestable Sir Francis Bernard, late Governor of New-England, whose ignominious behaviour, and arbitrary tyrannic proceedings there, well nigh lost the affections of our American fellow subjects, and thereby hath rendered him a fit tool to fetter the people of Ireland.

He added, that he was well informed that it was the intention of government, to prorogue the Parliament as soon as it had passed the bill of supplies. For as despicable as the opposition might be thought by some people, it was still formidable enough to the British Ministry, who dare not meet the British Parliament, while such an opposition subsists in that of Ireland; for which reason the British Parliament is not to meet till the 21st of next January, by which time government thinks to do all its business here, and prorogue this Parliament.

Mr.

Mr. John Bourke, jun. having by this time received his instructions from the Ministerial Bench, whipped over to the other side and moved an amendment, and after the words *Resolved that*, be added these words, *from the strongest evidence*, with which amendment he said, he did not doubt but the whole motion would pass in the negative, as he did not find any evidence had been given to prove that *seven* commissioners were sufficient.

He was then answered by Mr. Barry, and Mr. Kearney, that the greatest evidence had been actually given that *Seven* Commissioners were sufficient, since the business of the Revenue had been transacted by *Five* for many years. *Two* constantly residing in England. As a proof of this, the clerk was ordered to read a resolution upon their Journals, founded on the report of a Committee which had been appointed to enquire into the conduct of the Revenue Board, when Mr. Ponsonby was at the head thereof; the result of which was, that the House resolved that the Commissioners had executed their office with *honour to themselves* and *advantage to the nation*. Since then *Five* Commissioners had done the business to the advantage of the nation, it was plain that *Seven* were fully sufficient for that purpose.

Mr. Power, Council to the Commissioners, then thought it high time to say something to ensure his place to the new Board. He began indeed in a high strain, comparing the present debate to one in a Robin Hood Society, for which he was called to order, and then endeavoured to shuffle away his words, saying, he had only said *another* Society. He mentioned two acts of King Charles II. which enacted, that the Commissioners of Excise should never be more in number than Five, nor the Commissioners of Customs less than Five nor more than Seven. Hence he inferred, that ten at least were necessary, and endeavoured to chicane the House into an opposition to the motion.

Mr. Montgomery, Sir Charles Bingham, Mr. Brownnow, Mr. Cramer, Mr. Gorges, Sir Lucius O'Brien, and Sir James Cotter, all spoke with great eloquence and spirit, defended the original motion, and corroborated what had been advanced by Mr. Flood, and Sir William Mayne.

Mr. Solicitor General then arose, and in a smooth, plausible manner, strove to defend the destructive measure. He said, he was never consulted about it, but was clear as to the legality of it, as by the two acts now subsisting, the King had a right to appoint *twelve Commissioners*, and that the agreeing to the motion would be to infringe upon the

King's

King's prerogative, which is to appoint what officers he pleases; it would therefore be better, he said, to avoid intermeddling with the royal prerogative, and if such a measure should be adopted (of the expediency of which he would not pretend to judge) then such a Bill might be brought in in Ireland as they have in England, to prevent Commissioners of Excise or Customs from having a seat in the House. Yet he could not help thinking that an increase of Commissioners would be of service to the Revenue; for it would cause the Revenue to be much greater than it is, as it is not so well collected as it might be, and called upon Mr. Ponsonby to confirm what he said.

Colonel Brown, to shew his great skill in commercial affairs, spoke against the motion. Mr. Fortescue spoke also, but whether for or against it, was not very easy to be gathered from his speech.

Mr. Ponsonby then replied to Mr. Solicitor General, that from his own long experience at the Revenue Board, he was enabled to declare upon his honour, that he did not see any necessity for more Commissioners, or that the Revenue could be better collected if there were fifty than with only five.

The Patriots replied, and would have doubtless convinced all who were either capable of conviction, or who were not biassed by court favours, or expectation of them. The Courtiers answered the reasons of the Patriots by the first rule of Arithmetic, *Numeration*, and left them the sole satisfaction of having done their duty, though it was not crowned with success.

The Committee of Accounts sat, and made a further progress in the public accounts of the nation. But in examining of them there appeared a most extraordinary circumstance. A law now exists, subjecting all Absentees on the Pension List to a tax of four shillings in the pound on the whole amount of their respective pensions. Yet notwithstanding this act passed with the concurrence of both Houses of Parliament, and received the Royal Assent, his Majesty's Letters came over for reimbursing five persons the whole sums that had been stopped in obedience to the above Act. Nay, though the very appropriation of the said tax was particularly mentioned. Such a violation of the Law, which by levying money without authority of Parliament, put it upon the level with the famous case of ship-money, could not escape the notice of the Lynx-eyed Patriots; the letters were called for, and after much chicanery and endeavours to

suppress

suppress them, they were produced, and one of them, relative to Prince Ferdinand, was read.

Another extraordinary affair was brought to light; no less than an endeavour to lump the arrear contracted by Government, together with the founded debt, all under the general head of *the National Debt*; for so it appeared upon reading the Report of the Chairman of the Committee, as it was prepared to be made to the House. But Mr. Cramer and Mr. Hussey detected the artifice; and when Mr. Anthony Malone was for letting it go, and that the Parliament might be left to their choice, whether or not it would provide for the arrear, Mr. Hussey well remarked, that that was a proceeding just like a man who would *acknowledge* he was *ten* thousand pounds in debt to another, but that he would *choose* whether he would pay more than *six*. The sums were ordered to be divided.

Proceedings on Tuesday, Nov. 19.

The former part of the day, and even till near five o' clock, the House was employed in receiving Petitions, referring them to Committees, and giving leave for bringing in heads of Bills, accounts of which will be better given to our Readers when they are brought in. At length, Mr. Brownlow recited the resolution agreed to on Saturday last concerning the Commissioners of the Revenue, and moved, "that the whole House, with the Speaker at their head, "should go to the Lord Lieutenant, and lay that Resolution "before him, as the joint opinion of the House."

Upon this Sir George Macartney said, that he was silent in the debate on last Saturday, because he was not properly informed; but now he was authorised to acquaint the House, that his Majesty had thought proper to divide the Revenue Board into two Boards, and that the King's Letters had come over, appointing twelve Commissioners.

The fears of the Patriots were now confirmed, and their apprehensions verified. A debate arose upon the motion, which though it was carried on for a long time, and by many speakers, were chiefly repetitions of the arguments on both sides which had been used on Saturday; only indeed the Courtiers talked more confidently than before. Sir George Macartney, the Attorney General, Mr. Prime Serjeant, Mr. Fortescue, Mr. Malone, Mr. Monck Mason, and Mr. Scott, were the chief Speakers on one side; and Mr. Brownlow, Col. Burton, Sir James Cotter, Counsellor Dennis, Mr. Ponsonby, Mr. Hamilton, Mr. Flood, and Sir William Mayne, on the other.

Mr. Prime Serjeant was very elaborate in his defence both of the legality and the propriety of the measure. He said, it was part of the King's undoubted prerogative to appoint to all Commissions; and as what he had done was strictly legal, it would be the highest insult to his Majesty, to carry up to his Vice-Roy any Resolution against a measure which his Majesty had adopted upon long and mature deliberation, especially as this step would be very hasty. The House surely would not, in a few hours, without proper lights, determine on what the King had considered for a long time. The Resolution of Saturday was pertinent, because it was unknown whether the measure would take place, but now it was too late to condemn it. If indeed Gentlemen did think it wrong, that was sufficient ground to enter into a discussion in a Committee of the whole House, and call for merchants before them, that every thing might be maturely examined into, before any Resolution was made.

This scheme to delay the further examination, was speedily detected by several worthy Members. At length, Mr. Flood spoke to this purpose:

Mr. Speaker,

It is really surprising to see the inconsistency, of some Gentlemen. When we were on this subject last Saturday, we were told that *it was too soon to determine*—we were *premature*; now when only two days have intervened, we are told *it is too late*, the business is done, and we must abide by it.—It will be disrespectful to his Majesty if we lay our last Resolution before his Representative. Now, Sir, let me tell those Gentlemen, it is not too late. The King's Letters are indeed come over, but the Great Seal is not yet put to the Commissions.—If we delay till that is done, we may indeed be told *it is too late*. The King's Letters are doubtless conditional, and according to the advice he has received from his Ministers, and the application that has been made to him from hence. Therefore, it is now more respectful to him to tell him he is going to take a wrong step, than to tell him, by and by, that he has done so. It is our duty, as part of the Grand Council of the Nation, to inform him when he has been misinformed. He, doubtless, supposes, and has very probably been told, that this measure is agreeable to his Subjects of Ireland, but it is our duty to tell him it is not agreeable. To say to him, your English Ministers, (who know nothing about us but by information) have advised your Majesty to take this step, but your House of Commons of Ireland (who must know best) advise your Majesty

not to take it, for it will be very disagreeable, detrimental to Trade, and tend to the lessening your Majesty's Revenue. That it will occasion an expence which we are not able to bear, in the drained, ruined condition to which we are reduced. This, it is proper, we should tell the King; and, no doubt, upon such representation, he will withdraw his orders. Besides, Sir, though the King's Letters are come, it is the Lord Lieutenant who is to appoint to these Commissions. Is it not highly proper, by laying our Resolution before him, to let him know, it will be disagreeable to this House, if he proceeds any further in this business? And those Gentlemen who voted for that Resolution last Saturday, will act very inconsistently, if they do not vote for this now before us. If I am not mistaken, from the list of the intended Commissioners, it appears that eleven of them are members of this House. I therefore intreat those Gentlemen, upon this occasion, to practise an honest self-denial, and vote for this Resolution. Let them lay their hands on their hearts, and say to themselves, "I did solicit for this place, it is true, but I did not see the affair in that heinous light in which it now appears. I now see it is destructive to the real interests of my country, it will be ruinous to Ireland, and, if I take it, it will make me be looked upon as one, who, for his private interest, sacrifices those of a whole nation. No; I'll vote for this Resolution, that they never may be made out." This will be honourable to them; and they have an opportunity now to shew their disinterestedness."

Mr. Monck Mason, who looked on himself as one hinted at, owned he was one of the intended Commissioners, but it would be of little more profit than the place he then enjoyed. He attempted to prove that it would not be so expensive a measure as had been suggested; and began to read some calculations he had made. Such a coughing, hemming, and calling for the question succeeded, that no one could hear a word that he said. He still continued in spite of every token of disapprobation, with an *intrepidity*, which his enemies would naturally call *impudence*; 'till after talking near twenty minutes, he sat down.

At length, after a debate which lasted from a quarter before five till a quarter before one, the House divided on the motion, when it was carried by the country side by a majority of *twenty-two*. The members for Mr. Brownlow's motion, being one hundred and twenty-three; and against it, one hundred and one.

Pre-

Proceedings on Wednesday.

When the House met, it was moved to attend his Excellency directly with the resolution of the preceeding day, and was carried in the affirmative. Many Gentlemen seemed very eager to go up with it, and particularly Mr. Ogle, who wished they might go while it was day-light, "that he might see the Lord Lieutenant's countenance, while the resolutions were reading to him."

They were, however, obliged to wait till the Speaker could send for his robes of state; and then they sat out, and came to the Castle between five and six o'clock; one hundred and fifty-four members attending.

Proceedings on Thursday, Nov. 21.

The House being met, the Speaker reported, that in pursuance of a resolution of the House on Tuesday night, the House had, on Wednesday evening, waited on his Excellency the Lord Lieutenant, to lay before him the resolution of last Saturday, and that his Excellency was pleased to answer, that "the King's Letters had come over, to order commissions to be made out for seven Commissioners of Customs, and five Commissioners of Excise, but that since the House of Commons had entered into that resolution, he thought it was his duty to report the opinion of the Commons to his Majesty."

It was then moved, that the Committee of Supplies should sit, which was agreed to after a short debate; and the Right Honourable Anthony Malone took the chair: the titles of some papers were read; and also some of them at length; but as the greatest part of the members had left the House on the Speaker's leaving the chair, it was thought proper to adjourn the Committee.

The Speaker then resumed the chair, and leave was given to bring in heads of a Bill, more effectually to prevent the steeping of flax in running water; and then the House adjourned."

Friday, Nov. 22. When the House met, it was moved that they should go into a committe of supplies; but before the question could be put, a motion was made, that it be an instruction to the committee, not to provide for those pensions which seemed to them to be *most* burthensome or unnecessary. This motion produced a great debate. The court party opposed it, as quite needless, since the committee had a power of itself to examine, if it pleased, into any articles of

the public accounts. To this it was answered, that, although the committee had undoubtedly such a power, it was not clear from thence that it would think of exercising it, unless such a duty was imposed on them by an instruction; as many men have power to do things which they never think of doing, till they are previously put in their heads. Mr. Wood moved that the word *most* be expunged, since he thought *no* pension whatsoever should be provided for which appeared to be any wise *burthensome* or *unnecessary*. Mr. Ponsonby observed that though some pensions had been deservedly bestowed as rewards for eminent public services, yet no man could say that was the case in many which were on the list; and that the names of Jeremiah Dyson and Lord Camden, should never be named together, as equally meriting the same pension.

Mr. Scot answered, that no man could tell the reasons which influenced the King to reward his servants, and that in the Royal mind, perhaps Mr. Dyson seemed equally deserving with Lord Camden. That, for his part, he could not think how it was to be determined which pensions were most burthensome and unnecessary. It would doubtless be thought by some that the highest pensions were the greatest burthens; but which were most *unnecessary* was the hardest point to decide. A poor woman's pension of forty or fifty pounds a year, might be deemed by her highly necessary to her support, and yet the bestowing it might not appear necessary to the committee. And indeed the absolute degree of necessity could never be thoroughly determined unless the committee was thoroughly informed of the reasons for granting them.

Some members then seemed to doubt the legality of granting pensions on this establishment, since, as they were charged on the Hereditary revenue, when that fell too short to answer the absolute appropriations, and to pay these pensions, the overplus could not be raised without authority of parliament, and therefore must necessarily drop off.

To this it was answered, that the legality of pensions was satisfactorily ascertained by the act which laid a tax of four shillings in the pound on all absent pensioners; and by some of the branches of the Revenue being directly exempted from having any pensions laid upon them, which allowed that they were legally laid upon all those which were not thus exempted.

The country party still persisted in the motion, and not one of the courtiers said a word against the expediency of examining

mining into the Pension list, but only wanted to insinuate that the committee had no need to be instructed by the house, to what they had authority to do without. Sir George Macartney gave great honour to the Lord Lieutenant for having diminished the pension list six thousand pounds a year since he came hither, and said it was very hard people were blind to this great service, and denied him the merit thereof; when every Chief Governor, for many years past, had constantly left the pension list much heavier than he found it. Sir William Mayne replied, that whatever honour was due to his Excellency, he must share that honour with *Death*, who had very kindly interposed to ease the burthen of Ireland. But the main question was, whether if so many had *not* died off, the Lord Lieutenant would not still have laid as many pensions on as he has done; which, if *Death* had not intervened, would have put him on a level with his predecessors. Till that question was satisfactorily answered, it was impossible to ascertain the quantum of merit to be ascribed to his Excellency, or the proportion of thanks due to him.

The courtiers then accused the country party of effecting delay; and, by throwing in these bones of contention, of obstructing the supplies. Mr. Anthony Malone very gravely, solemnly, and de-li-be-rate-ly observed, that time would not allow very nice disquisitions; for if the committee was to be obliged to examine minutely into every article of the public accounts, and to scrutinize critically into every pension in the whole list, it would not be done in three months time: and, for his own part, he would not for the largest pension in the whole list, attend to such a tedious proceeding.

Mr. Flood replied, that no artificial delays were made use of, but that when the nation was almost ruined, and was groaning under an almost insupportable weight, it was the duty of every member to try every method to lessen that weight. As public advantage ought ever to be more attended to than private, he would never grudge any time he bestowed in attending in that house; and would never put his own private concerns in competition with those of a whole people. If the Right Honourable gentleman's age, infirmities, or any thing else, made it disagreeable to him to attend, yet the national business could still go on, though that Right Honourable gentleman should not be Chairman; and that he could not help wondering that those gentlemen were unwilling to bestow their time for the public good, who were ready to *do the dirty work of any dirty administration.*

Mr.

Mr. Flood was immediately called to order by Mr. Malone. The courtiers now rejoiced, and thought they had it in their power to retaliate the disgrace which had lately fallen on their friend Waller. Although the disparity was very great between the words of Mr. Flood, and those expressions of Waller, the words were taken, and it was moved that Mr. Flood should either ask pardon of Mr. Malone, in his place, or be called to the bar. The question was as frequently put, and as frequently the decision was put off by some member rising to speak, till at length, at near nine o'clock, a motion for adjournment was made, and carried, and the House broke up, without coming to any resolution on any of the motions made that day.

Proceedings on Saturday, Nov. 23.

This day was chiefly employed in a committee of supplies, [Mr. Malone Chairman] the debates turned on that point which we have already mentioned in the proceedings of the committee accounts, namely, whether the arrear of government should be joined with the funded debt, as the debt of the nation. The Courtiers were for having them lumped together, and then left to the opinion of the House, whether they should be equally provided for. The country gentlemen replied, as upon the former occasion, that to acknowledge a debt, and not provide for the payment, was unjust, and dishonourable to Parliament. That if the arrear was acknowledged, it must be paid; and such acknowledgment would encourage government to make what arrears they pleased, on the confidence that Parliament would provide for them, however unjust, or however burthensome they might prove. It was also observed, that there were above four thousand pounds of the public money still in hand, which, by the acknowledgment of Mr. Chaigneau, when he was examined, had not been demanded by widows, &c. for whom it was appropriated, for near five years; and that gentleman declared, that after such time was elapsed, seldom any claim was made; therefore that should be struck off the national debt, that we might not be obliged to borrow money at interest from year to year, to provide for what would never be demanded, and increase the fictitious debt.

Whenever the fictitious debt was mentioned, the courtiers put them in mind, that there was also a fictitious credit:—— this was admitted; but Mr. Flood desired that both might be properly ascertained, and a proper balance struck, that no more might be provided for than what was actually and *bona fide* due.

Proceedings

Proceedings on Monday, Nov. 25.

This day was spent in a Committee of Supplies, in which the most material passage was the debate on the pension of Jeremiah Dyson. It was urged, that this pension was very *burthensome*, as it was one thousand pounds a year; and it was *unnecessary*, as it was bestowed on one who had never been of any service to this country, whose chiefest merit consisted in a pliability to every administration that existed in his time. The Provost expatiated very largely in *Jerry*'s praise, and said, that whenever any motion was made in the British House of Commons relative to Ireland, he always took that side of the question which was for the advantage of it, and particularly in regard to the Linen Manufactory. This eulogium was replied to by Sir William Mayne, and taken to pieces in so ludicrous a manner, as to excite the laughter of the whole house. It was often remarked, that this very pension was an actual breach of the Royal word, and for that reason, if for no other, ought not to be provided for. At length the question was put, and on a division, it was carried against the pension by a majority of one only: the number for the pension being 105; and against it, 106.

The House afterwards came to the following resolution:

Resolved, That the pension granted to Jeremiah Dyson, Esq; and his three sons, is an unnecessary charge upon the establishment of Ireland, and ought not to be provided for.

Ordered, That the said pension be struck off the list of pensioners, upon the establishment of Ireland.

Proceedings on Tuesday, Nov. 26.

This day was taken up in a committee of Supplies, voting Grants, Premiums, Bounties, and Rewards to the Officers and Servants of the House, and the Clerks who had furnished accounts, in consequence of orders of the House. Mr. Ponsonby moved, that the sum of four thousand pounds should be granted to the Right Hon. the Speaker, to enable him to support the dignity of his office, and it was carried unanimously. No material debate happened on any of the numerous motions, and the Committee broke up.

Proceedings on Wednesday Nov. 27.

The House received the report of the Committee of Supplies, which consisted of a great number and variety of grants, and the house agreed to the greatest part of them without debate. Some, at the first reading, were postponed to be considered more maturely after the less important were agreed to: and when the Speaker had gone through the whole, the postponed articles were read.

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When the House was desired to agree to the debt of the nation being as reported from the Committee, 9000l. were struck off on a motion of Mr. Flood, who informed the House, that in the year 1745, a vote of credit passed to permit the borrowing of 70,000l. and some taxes were appointed to pay the interest and principal: But that no more than 61000l. being borrowed on that vote, and the whole being paid off in the year 1753, the remaining 9000l. ought to be struck off from the alledged sum total of the national debt. This was agreed to.

Mr. Flood then moved, that the House would not allow the sum of 5306l. 13s. 2d. halfpenny, which had been paid in consequence of the King's letters, as a reimbursement to certain pensioners of the four shillings in the pound, which were detained on their pensions, by authority of an act of parliament for taxing absentees. This motion produced a warm debate; Mr. Solicitor General endeavoured to shew that the measure was both legal and expedient: that the Crown being willing to give to certain persons, who had deserved well of the government, the full sum which had been allotted to each, did, in that case, suffer the law to take its course in withholding the tax, and then did order a reimbursement, by his letters, of the sums so withheld; by these means both were satisfied; the Crown by reciting the law in his letters, allowed it its full force; and thereby ordering a reimbursement, kept his Royal word with the pensioners, by giving them their full pensions.

Colonel Brown endeavoured to shew the expediency of the measure from the merits of the persons concerned. Prince Ferdinand had done such services that his reward ought not to be diminished; so had also Admiral Hawke. That in regard to the Duke and Dutchess of Athol, they certainly ought to have the full of their pensions, as it was part of the bargain for his allowing the Isle of Man, which was his legal property, to be annexed to the Crown; from which this country had derived many great advantages. The Colonel, indeed, was a little unfortunate, in regard to one of these reimbursed pensioners, George Charles, Esq; (the fictitious name under which Count Viri, ambassador from Sardinia, holds one thousand a year,) since no services could be hinted at from that quarter.

Mr. Brownlow opposed the above gentlemen, and shewed that the giving back a tax levied by Authority of Parliament, and then making that money a part of the national debt, was an absolute defeat of that act, and a raising of money

without

without Authority of Parliament. That if the Crown had resolved to reimburse these pensioners, it might have been done without an infringement of an established law, by a new pension of equal value.

Counsellor Hellen replied, that such reimbursement was not dispensing with the law, since it was allowed its full force; nor was it a repeal of it, as it operated upon all the other pensioners. That had the King granted a new pension, that must have continued, and been provided for, for the time for which it was granted, whereas this reimbursement related only to time past. And that the King's Letters reciting the act, was an acknowledgment of it.

Mr. Hussey very learnedly and eloquently shewed the futility of these arguments; he said, the reciting the act in the King's Letters, was no more than an acknowledgement of its force, than his reciting the arguments of the gentlemen on the other side of the way, was a proof of their validity. That in these recitals the Crown and he both acted alike; he recited the arguments only to confute them, and the Crown recited the act only to shew that it would destroy its effect, defeat its design, and by an unwarrantable stretch of prerogative, dispense with a law to which it had assented. That the Ministry had advised the Crown to a fraudful measure, take it in which light we would: if the Crown designed that these particular pensioners should be exempt from the law, it was a fraud on the parliament of Ireland, to assent to an act which he was determined should not have its due power on such persons as he chose to exempt: and if he designed at assenting to this act, that it should equally bind every pensioner, it was a fraud on the Duke of Athol, &c. to whom the nation was engaged by way of bargain to have the full of the stipulated price.

Mr. Charles O'Hara spoke by way of reply, but was not attended to.

Sir William Mayne urged the illegality of this pretended power of dispensing with an act, and the fatal consequence of establishing such a precedent. He said, some unexceptionable persons were pitched upon in the Pension List, to be reimbursed only to feel our pulses, how such an arbitrary step would be relished. The Ministry hoped the respectable names would make the measures go down; and then if it was once passed over, it would be a standing precedent for the Crown to dispense, if it pleased, with every Act of Parliament, and with the levying and appropriation of every tax.

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This matter was debated till near ten o'clock; in which debate Mr. Flood, and Mr. Fitzgibbon on one side, and Sir George Macartney, Mr. Attorney General, and Mr. Scot, on the other, were the principal speakers (except those abovementioned). At length the question being put, the House divided, and the numbers were, for not allowing the reimbursement, *one hundred and six*, and on the contrary, *one hundred and eighteen.*

The Speaker then read the report from the Committee of the striking off the pension of Jeremiah Dyson. When the question was put, whether the House should agree with that resolution, Counsellor Power re-echoed what had been said in the Committee by the Provost, in regard to the vast merits of Mr. Dyson, and wanted the House not to agree with the resolve. Mr. Connolly answered the Counsellor, and with much candour acknowledged, that being deceived by the machinations of ill-designing men, he had brought in the augmentation bill, for the expence of which the four shilling tax on absentees was appropriated; but since he had seen such perversions of the liberality of Ireland, and such breaches of promises, he asked pardon of the House for what he had been cajoled into, and was resolved to put his negative on every additional expence to this kingdom. The Provost spoke in favour of Mr. Dyson, and observed, that that Gentleman had the misfortune to have a name with which many people were disgusted; that his Jewish name was to many so offensive, that it clouded his merit, and might make him sing the Lamentations of Jeremiah Dyson. Mr. Hussey, in the same stile of raillery, replied to the Provost, that indeed it was very unhappy for any person to get an offensive name, and that was the case here as well as in England; for he believed some Gentlemen on the other side of the House had names which were not quite so pleasing to the public as they might wish.

Mr. Barry Barry and Counsellor Wood, Sir William Mayne, Mr. Malone, Counsellor Hellen, and the Attorney General, with some others spoke on this Question; and at eleven, it being put, there were *ninety-three* for disagreeing with the resolution, and *one hundred and five* for agreeing with it. So that Jeremy may now make his lamentation for the loss of his pension.

After agreeing to some more resolutions, Mr. Malone moved, that the House would the next day resolve itself into a committee of ways and means, which being agreed to, the House adjourned.

Proceedings on Thursday, Nov. 28.

This day the committee of ways and means sat (Mr. Malone, chairman) to resolve in what manner the supplies could be raised. They came to sundry resolutions, which, when the Speaker assumed the chair, were ordered to be reported to the House the next day.

In this committee there was no material debate, except on a motion made by Sir Lucius O'Brien. He observed to the House, that in consequence of the vast importation of English and Scotch porter and ale, the Irish brewery was greatly injured, that above forty thousand barrels of porter were imported yearly into Ireland; and thereby the consumption of our home manufacture was greatly decreased, less malt made, and consequently the tillage much injured. Lands which would turn to great advantage, if used for growing corn, are now either used only for pasture, or left uncultivated and unbroke up. That these forty thousand barrels were so strong, that they were equal to eighty thousand barrels of Irish beer, and therefore he proposed, "that an additional duty of two shillings per barrel of 32 gallons, be laid upon all beer, or ale imported from any part of Great Britain into this kingdom."

This motion was violently opposed. It was urged by the courtiers that the true way to make the Irish brewery equal the British would be rather to encourage the first, than to discourage the last. That Britain would certainly take umbrage at such a tax, and withhold the exportation of their hops, which, as no quantity grew in Ireland, would be distressful, and entirely ruin our brewery instead of doing it any service.

To this it was answered, that the English sold above the value of one hundred thousand pounds of hops yearly to Ireland; and that it was not to be thought, they would deprive themselves of so valuable a branch of trade, merely because Ireland laid a small tax upon porter and ale.

It was then urged by the friends of administration, that if they did not withhold their hops, the British Parliament might retaliate, by laying some duties on the importation of Irish linens, which might be fatal to our chiefest staple commodity: that the brewery of Ireland was more hurt by the distilling corn into whisky, than from any importation of porter; that the quantity drank was not very great, as it was not above a pint a man a day for eight and twenty thousand men; which was a small part of the Inhabitants of Ireland.

Proceedings on Friday, Nov. 29.

The House being met, the report of the committee of ways and means was received, and read, and agreed to. For the current service of the year and parliamentary grants, many additional duties were to be laid on sundry importations. Six pounds per ton on all Spanish and French wines. Three pounds on all Portugal wines, and five pounds on all wines of other country growth.

To pay the national debt a loan was necessary, and Mr. Flood moved that the loan might be of *one hundred thousand pounds*, and the rest might be made up from savings and repayments. He was supported by Mr. Barry Barry, Mr. Ponsonby, Mr. Hussey, Sir Lucius O'Brien, Sir William Mayne, &c. but was opposed by Sir George Macartney, Mr. Malone, Mr. Attorney General, Mr. Solicitor General, and Mr. Clements; the latter of whom declared, that there was but ten thousand six hundred pounds remaining in the Treasury.

Though the debate continued till near ten o'clock, yet none of the speeches or arguments can be abridged, so as to give either amusement or information to our readers; as they were all founded on calculations, some of which were admitted, and some controverted backwards and forwards. At length, the question being put, whether the loan should be *two* hundred thousand pounds, or *one* hundred thousand pounds, it passed for the former on a division: *one hundred* and *twenty-six* being for the larger, and *ninety-six* for the lesser sum.

A committee was then appointed to prepare the Money Bill, and the House adjourned to Monday.

Monday, Dec. 2.

This day the House met, but did no business, being adjourned in less than an hour.

Proceedings on Tuesday, Dec. 3.

Dr. Clement being returned for the city of Dublin, he took the oaths and his seat in the House. The House being resolved into a Committee, the heads of the money and loan bills were read and agreed to; and the Speaker having taken the chair, the House received the report. The Marquis of Kildare presented a petition against the erecting any new Bridge over the Liffey below Essex Bridge, &c, and the House adjourned a little after five o'clock.

Proceedings on Wednesday, Dec. 4.

The money and loan bills being gone through, the House ordered Mr. Malone to carry them to the Castle, to be laid before the Privy Council, in order to their being transmitted

to

to England. Sir Lucius O'Brien then observed, that as the administration had been disappointed in their favourite scheme, of the augmentation of Commissioners of the Revenue, they had hit upon a new scheme, of making a board of accounts under certain Commissioners, and the House was moved to resolve that such a measure was *useless* and *unnecessary*; instead of arguing it, a motion was made for adjournment. Mr. Malone declared, that as he was ordered by the House to go up with the bills, he was for the adjournment of the debate on that motion till the next day, that the bills might not be delayed. Sir William Mayne urged, that the delay of one night might permit the last hand to be put to that measure, as he was well informed the King's letters for that purpose were come over, and actually in the Secretaries Office. Mr. Flood, Sir Lucius O'Brien, Mr. Hamilton, Sir Edward Newenham, and Mr. Hussey, all called upon Sir George Macartney to declare whether such letters were or were not come over; but he and the whole ministerial Bench sat sullenly silent, and would not give any satisfaction on that head. Mr. Flood, to shew that it was not the intention of the gentlemen in the opposition to impede the progress of the money bill, moved to adjourn for one hour, to give Mr. Malone time to carry up the bills and return; but on a division on the question for adjournment till the next day, the ayes for the adjournment were ninety-six, the noes, eighty-six; and the House adjourned a quarter before six.

Proceedings on Thursday, Dec. 5.

The House being met, the resolution of Sir Lucius O'Brien, (postponed the preceding day) was moved for, and was debated for six hours.

Sir George Macartney said, he was then at liberty to acquaint the House, that the King's letters were come over to appoint a new board of accounts. This board to consist of five commissioners, one at eight hundred, and four at five hundred pounds per annum, salaries. The debate then turned upon the expediency and necessity of the measure, and how able this nation was to bear the expence. Mr. Conolly spoke warmly against any encrease of expence; but, as during the course of the debate, many assertions were made on each side which were contradicted by the other; that gentleman moved that the House should resolve itself into a committee next Wednesday, for a solemn discussion of this important question. This gave a new turn to the debate, which lasted till within a quarter of ten, when the question

question being put, the House divided, and *one hundred and twenty-two* were for the committee, and *one hundred and fourteen* against it.

When the question was thus carried, Mr. Dennis Daly, in a most spirited manner moved, that no member should be absent from the House on Wednesday next, without leave, and also, that there be a call of the House on Tuesday, both of which were agreed to without any division, and the House adjourned. So that on Wednesday next will be as solemn a debate and upon as important a subject as has been this session. For which reason, and as the members will have the King's letters and all necessary papers before them, we shall not lay before the Public the arguments made use of on either side this day, as they will be again repeated on Wednesday, with additional force, and additional information, and then they will appear with greater propriety.

On Friday and Saturday the House was employed, for the short time it sat on each of those days, in referring bills to private committees, with orders to report to the House their proceedings.—On Friday the House broke up a little after five, and on Saturday it broke up a little after four; having adjourned to next Tuesday.

Tuesday, Dec. 10.

The House met, according to adjournment from last Saturday, and the members being called over, the defaulters names were taken down. Some reports were received from private committees, to whom heads of bills had been referred, and then the House adjourned about five o'clock.

Proceedings on Wednesday, Dec. 11.

When the Speaker had taken the chair, the order of Thursday, Dec. 5, was read, for the House to resolve itself into a committee of the whole House, to take into consideration a motion for a resolution concerning the new board of accounts; and the Speaker having left the chair, there was a great dispute who should be chairman of the committee. The courtiers were very strenuous to have Sir Lucius O'Brien in the chair, hoping by that means to deprive the patriotic party, not only of a vote, but of one of its most forcible speakers and best supports. The artifice was seen through, and retaliated by an endeavour to place Mr. Malone there; the contention was great for some time, but at last it was quieted on both sides, by voting Mr. Connolly to be chairman.

The committee now opened, and the *expediency* of creating a new board of Commissioners, for settling the national accounts

counts, was thoroughly canvaſſed, and bolted even to the bran. Sir George Macartney, Mr. Malone, Mr. Prime Serjeant, Mr. Attorney General, Mr. Solicitor General, Mr. Forteſcue, Mr. O'Hara, and Mr. Foſter, were the principal ſpeakers in behalf of the expediency, and even the abſolute neceſſity of ſuch a meaſure. The arguments they chiefly uſed were in ſubſtance as follows:

"There can be nothing more neceſſary for the intereſt of any nation, than that the monies granted by parliament ſhould be faithfully applied to the uſes for which they are appropriated, and neither embezzled, nor profuſely and careleſsly ſquandered away, nor applied to any other purpoſe: This being granted, as it is a poſition none can deny, how can any nation know whether the public money is well or ill diſpoſed of, if the accounts thereof are not clearly and honeſtly ſtated? It is true the public accounts are regularly brought into the Houſe, and laid before a committee of accounts, and are ſeemingly juſt, that is to ſay, the groſs ſums of each ſeveral account are ſtated, and the aggregate of the whole properly ſummed up; but how are we to know the juſt diſburſements of the ſeveral ſums, which make up the groſs ſums in ſuch accounts? They muſt be taken upon truſt, and the good opinion we entertain of the perſons who give them in, for ſundry of them, and very large ſums too, do not come under the inſpection of the preſent Commiſſioners of Accounts, nor the Auditor General, and indeed many capital articles have never been examined into, nor audited for 68 years. The laſt exact examination being in the year 1703.

"This being the caſe, it is certainly an abuſe to which ſome remedy ſhould be applied, and that remedy cannot be found in the preſent ſtate of the accounts. The preſent commiſſioners of accounts, are the Lord Chancellor, the Chancellor of the Exchequer, and the three Barons of the Exchequer. Theſe five indeed overlook and examine the accounts of the Vice Treaſurer, but are not authoriſed by their commiſſions to take notice of any other; nor if they were ſo authoriſed, could they find time to do it, the neceſſary duties of their reſpective offices taking up ſo much of their time, that they muſt either neglect the public accounts, or the public juſtice of the courts wherein they preſide. Thus the barrack accounts, the forrage accounts, the accounts for removal of ſoldiers, embarkations, ſtabling and lodging, and a number of other articles remain unſettled, and we have only general heads and groſs ſums to depend upon. The

public

public may be defrauded with impunity, as those who expend the money, for those articles are subject to no disquisition, no controul. This is not meant as an insinuation that any public officer has been guilty of any fraud or peculation, but since it is possible such an evil may happen, it is necessary and expedient to provide against it; and this can be done only by a new Board of Commissioners, who having no other duty to perform, may apply themselves to this.

"This measure therefore is very different from that of the new Commissioners of Customs and Excise. It was urged, that the business of the revenue had been done by a few, therefore there was no occasion for an increase of their number—but here no man can say that the business has been done; on the contrary, it has been neglected for above threescore years. Therefore, those gentlemen who voted against the new revenue board, may vote for this new board of accounts, without incurring the charge of inconsistency.

"It must be confessed, that some additional expence will accrue from this measure, but it is a necessary expence, that may be the saving of thousands to the nation; and no man in private life will refuse a salary to a steward, who, by overlooking his workmen, and examining his tradesmen's bills, can prevent any overcharge for work not done, or goods not delivered."

These arguments seemed very plausible, till the speciousness of them was exposed by the friends of their country. Mr. Flood, Mr. Hussey, Sir Lucius O'Brien, Sir William Mayne, Sir Edward Newenham, Mr. Ponsonby, Mr. Cramer, &c. spoke to the following effect:

"At a time when this nation is oppressed with a heavy debt, burthened with taxes, losing its trade, decreasing in its revenue, and swarming with beggars, and multitudes of wretches, who are not able to procure the common necessaries of life; to add to its burthen by a needless expence, which this kingdom is unable to bear, can be deemed nothing but a wanton stretch of power, and a copying after the Egyptian task-masters, in forcing us to make brick without straw. The nation hath hitherto felt no inconvenience from the present mode of stating the public accounts. And if it has been so evil as the right honourable Gentlemen would make us believe—where has been the honesty or the good policy of the Lords Lieutenant for sixty-eight years to permit such a growing evil—but we may acquit them; no evil appears to have accrued; and it would be the height of folly to be at the charge of nine thousand pounds a year,

for

for what in the sessions of 1773 amounted to only seven hundred and twenty pounds. The Gentlemen say, that the new commissioners are to go through all the chest full of vouchers, and other papers for sixty-eight years past.—But pray to what end? Suppose any fraud is found out, who can be punished for it? Can we open graves to find offenders? Can we punish the dead? But they may say, perhaps, that we ought to guard against futurity; but cannot that be done without such an enormous expence? The committee of accounts of this House are the proper auditors of all public accounts; a few sittings extraordinary will do the business. But by their new mode, here are four commissioners at five hundred a year each, wise men to be sure they must be, and another commissioner, who must be a wiser man than the rest, is to have eight hundred pounds a year, that makes two thousand eight hundred pounds per annum. Then there must be a secretary, and a number of clerks, houses for the commissioners, and an office to do business; so that altogether will not cost less than at the rate of nine thousand a year, to do what a couple of honest clerks might do. But it is plain, it is only a design to increase dependents on government, and secure a majority. To provide for those who were disappointed by our Resolution, against a new Board of Customs, and another of Excise. It were to be wished, that we had the same law here as they have in Britain, which renders certain commissioners incapable to sit in the House. If this question should be divided in favour of this new Board, it is to be hoped, no members of this House are named in the commission; but if there are, it would be but decent in them to leave the House while the question is debated; for as they are interested, they ought not to be judges in a cause, wherein they are parties themselves."

It is to be remarked, that on reading the King's letters, it appeared, although five commissioners named therein were members of the House, viz. Charles O'Hara, Esq; first commissioner, Gervase Parker Bushe, Esq; Major James St. John Jefferys, Esq; Charles Tottenham, Esq; and —— Tigh, Esq; and that in the first debate, Sir William Mayne offered, with a true patriotic spirit, to execute the office of one of the commissioners himself without any fee or reward, an example too good to be followed by those venal souls who will enjoy the places.

The debate lasted till near three o'clock in the morning, when the question being put, the House divided, and the numbers were against the Resolution one hundred and twenty-

 four;

four, for the Resolution, one hundred and nineteen. Thus the Court Party carried their point by a majority of only five, which majority does not show the sense of the nation to be for the new Board, so that the courtiers have cause to exult, since the majority would not have appeared, had not Mr. Bugg, Burry, Mr. French, Poole, and several others, been absent by reason of sickness, and Counsellor Fitzgibbons being taken ill in the House: after he had spoken against the measure for near an hour, he was obliged to retire.

Such was the event of this grand debate, which lasted near twelve hours. The galleries were crowded more than has been observed this whole Session, most of whom, ladies as well as gentlemen, waited till the House adjourned.

To his Grace the Duke of GRAFTON.

WHAT is the reason, my lord, that, when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther, when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to merit or virtue) were interesting to human nature, your Grace alone should appear so miserably depressed and afflicted? In such universal joy, I know not where you will look for a compliment of condolence, unless you appeal to the tender sympathetic fortitude of Mr. Bradshaw. That great-hearted gentleman's tears, affecting as they are, carry consolation along with them. He never weeps, but, like an April shower, with a lambent ray of sunshine upon his countenance.—From the feelings of honest men, upon this joyful occasion, I do not mean to draw any conclusion to your Grace. They naturally triumph, when they see a signal instance of tyranny rebuked with success;—of treachery exposed to the derision of the world;—an infamous informer defeated, and an impudent robber dragged to the public gibbet.—But, in the *other* class of mankind, I own I expected to meet the Duke of Grafton. Men, who have no regard for justice, nor any sense of honor, seem as heartily pleased with Sir James Lowther's well-deserved punishment, as if he did not constitute an example against themselves. The unhappy baronet has no friends, even among those who resemble him. You, my Lord, are not yet reduced to so deplorable a state of dereliction: Every villain, in the kingdom is your friend;

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and in compliment to such friendship, I think you should suffer your dismal countenance to clear up. Besides, my Lord;—I am a little anxious for the consistency of your character. You violate your own rules of decorum, when you do not insult the man, whom you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery intails punishment upon the traitor. There is no possibility of escaping it, even in the highest rank, to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex, was an omen of another unnatural union, by which indefeasible infamy is attached to the House of Brunswick. If one of these acts was virtuous and honourable, the best of princes, I thank God, is happily rewarded for it by the other.... Your Grace, *it has been said*, had some share in recommending Colonel Luttrell to the King;—or was it only the gentle Bradshaw, who made himself answerable for the good behaviour of his friend? An intimate connexion has long subsisted between him and the worthy Lord Ireton. It arose from a surprizing similarity of principles, cemented by the constant mediation of their common friend Miss Davies.

Yet I confess I should be very [illegible] capricious infamy of this match should reach beyond the family. We have now a better reason than ever to pray for the long life of the best of Princes, and the [illegible] of his Royal Sons.—I will not mix in [illegible] ominous wish in my prayers; but let parliament look to it! A [illegible] should never succeed to the crown of England.—If the hereditary virtues of the families [illegible] a kingdom, Scotland will be a proper retreat for them.

The [illegible] is a most [illegible] instance of the goodness of providence. The just law of retaliation has at last overtaken the most contemptible tyrant of the North. Today [illegible] your friend the Earl of [illegible], you [illegible] the Duke of Portland's property; and you hastened the [illegible], with an expedition unknown to the treasury, that [illegible] might have it time enough to give a decisive turn to the [illegible] for the county. The immediate consequence of this [illegible] robbery was that he lost the election, which you meant to insure to him, and with such signal circumstances of scorn, reproach, and insult, (to say nothing of the general [illegible] of all parties) as, (excepting the King's brother-in-law Colonel Luttrel, and old *Simon* his father-in-law) hardly ever fell upon a gentleman in this country.—In the [illegible], he lost the very property, of which he thought he

 had

had gotten possession; and after an expence, which would have paid the value of the land in question twenty times over. —The forms of villainy, you see, are necessary to its success. Hereafter you will act with greater circumspection, and not drive so directly to your object. To *snatch a Grace*, beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conscious heart inform you, that the justice of retribution begin to operate, and that it may soon approach your person?—Do you think that *Junius* had renounced the Middlesex election?—Or that the King's timber shall be refused to the royal navy with impunity?—Or that you shall hear no more of the sale of that patent to *Mr. Hine*, which you endeavoured to screen by suddenly dropping your prosecution against *Samuel Vaughan*, when the rule against him was made absolute?—I believe indeed there never was such an instance in all the history of negative impudence.—But it shall not save you.—The very sunshine you live in is a prelude to your dissolution. When your are ripe, you shall be plucked.

JUNIUS.

P.S. I beg you will convey to our gracious master my humble congratulations upon the glorious success of peerages and pensions, so lavishly distributed as the rewards of Irish virtue.

From the Public Advertiser, Nov. 27.

For the POLITICAL REGISTER.

THERE are times when the mind is so incapable of judging rightly, and when all its faculties are so entirely depraved by prejudice and passion, that the qualities, which ordinarily constitute its best contentment, cease to please, and truth, wisdom, and virtue, courting as under every appearance of beauty and attraction, are beheld with indifference, or rejected with detestation.

Political and religious zeal have ever been the grand causes of this subversion of the understanding, and the History of every Nation furnishes a variety of proofs of the dismal effects of it. But the madness is only for a season. As the passions subside, the mind gradually recovers from its illusions, and becomes itself again. So it shall be with us in *our* days of distraction; and already we see, with comfort, the dawn of reason arising upon us. What mischief has the state suffered? what dangers threaten it? who are most interested

interested in its preservation? These are questions, which, in the mouth of patriotism, mark the return of judgment, and shew recovery to be near at hand: for the solution of them will allay our mistaken resentments, dispel our vain fears, lead us to confide in the government, which is our protection, and instruct us to be jealous only of those who labour to disturb it.

Nine years are elapsed since Wilkes became a patriot, by insulting the laws, and libelling half the kingdom; a period in which we have been blessed with a variety of administrations, and have seen by turns the champions of Liberty become good servants of the Crown, and discarded ministers the defenders of the people's rights; yet every administration, I think, has left the constitution much in the same state, in which the care of it was committed to them, and the present, when at last *their* power shall dissolve, will probably resign it in the same manner.

The Middlesex election (I beg pardon for ever glancing on a subject, of which the world has been so long tired) was a question of much difficulty: to arrive at any degree of certainty in it, required a deeper knowledge of the constitution and rights of parliament, and of the force of the contending claims of member and constituent than men, in general, are possessed of. Those, however, who were most capable of forming an opinion upon it, the Few, who, when the storm was up, and the whirlwind gathered about them, could deliberate at ease, in the retirement of the study, and judge with candour on the whole of the argument, those, I say, have generally taken the side of parliament, and have gone along with the majority in the three great stages of the question, the Expulsion, the Incapacity, and the Exclusion of the choice of the Freeholders. Yet it is confessedly a matter of much nicety, and men the best intentioned might differ upon it. I contend only, that each party might be sincere in their opinions, and that the majority decided at least with as much impartiality as their opponents. In such a question, to ascribe to those the merit of honest determination, and to charge the others with corruption, usurpation of privilege, and voluntary breach of the constitution, is an injustice, which, however the rage of party may be urged in excuse of it, is scarce to be forgiven. But the noise on this occasion was too loud to be distinct, and has served only to shew in our own times, what the History of all others abundantly testifies, that it is much easier for a people to rail than to reflect, and to fret and vex themselves, than to understand

the cause of their disquiet. However just indeed may be the principle, that those only be loud in clamour who are strong in argument; it is seldom met with in the world; and in questions which most concern us, is least to be expected. We must console ourselves in these cases with reflecting, that the noise is not mischievous: it is like the thunder which rattles in the clouds, and ends in nothing.

The commitment of the two simpletons to the Tower was an inevitable assertion of the best established privilege of parliament, and the only injury which the state could have suffered in their case, would have been their impunity.

These are the great offences which the declaimers on the side of faction have chiefly descanted upon; and now that their noise is heard no more, and we can ask ourselves, What has happened? we find, in one instance, a difficult point in government fairly determined; in the other, a clear right asserted with becoming spirit.

In short, after all our alarms, the constitution is as sound as before, and is likely to remain so if patriotism will be quiet. The present set of ministers, I am sure, can have no temptation to invade it. They enjoy what they are believed most to affect, and are ripening in the sunshine of the king's favour, possessing all the good things of the land, and blessed with the prospect of long possession. While these men, by attempting aught against the constitution, disturb the government, which gives them their hearts desire, and introduce confusion and uproar at the expence of their security, at the risk of their prosperity and honours, and at the peril of their heads? It is folly to suppose it.

The same argument applied to the king operates, if possible, with still greater force; and it cannot be conceived by those who maintain his happiness, and that of his people to be inseparable, that while he regards one, he will intrude on and violate the other. As his interest obliges him thus to go hand in hand with the public prosperity, there is nothing in the condition of the times which can seduce him from it.

The causes which have formerly set variance between prince and people in this country, have happily ceased. We have a king who reigns over a weak, an unarmed nobility, and over a people possessed of freedom; when the limits of prerogative are clearly understood, and chearfully submitted to; when religion has dropped her rage, and smoothed her brow of terror; when she neither rules the mind with bigotted affections to old system, nor entangles it in the perplexities of new, when her ways are indeed pleasant, and her

path

with is peace. For the security of the blessings, which result from so happy a temper of religious and civil government, we have a king armed with a well-adjusted strength, which defies the rage of faction, without controuling the spirit of a free people. Able to defend, he is only without power to destroy the constitution which he loves.

LIBRA.

For the POLITICAL REGISTER.

To Lord NORTH.

My Lord,

HIS Majesty is peculiarly happy in the choice of his ministers. Ever since his accession, it seems to have been a settled maxim to revolt the minds of his subjects. For such a purpose it was generally thought, that he could not pitch upon a properer person than your friend, the Duke of Grafton. Your virtues were not yet sufficiently known.

His success in alienating the affections of Englishmen from their sovereign, seemed to mark him out as the natural director of our present councils. His majesty is a man of sagacity, and saw farther than his people. Conscious of your superior merit, he bade your star ascend, and eclipse that of your predecessor. I give him joy. You have answered his expectations. Ireland is in a flame; and he may now hug himself in the thought, that every part of his dominions groans under the iron rod of oppression. He is a pious prince, and would, no doubt, wish to give his subjects an opportunity of showing their piety and resignation to the dispensations of Providence. Ireland now presents such a scene; and you may with an air of triumph turn to your *Royal master*, and pointing to this harrassed land exclaim, "Behold, my liege, these are the works of my hand."

To minds like yours, this tragedy will be a rich feast. I think I see you, in imitation of Seneca's gods, enjoying the distresses of Ireland, and viewing with pleasure its *great men struggling with the storms of fate*. But let me ask you, my lord, whether your pleasure is pure and unmixed? Is not the sweet a little dashed with the bitter? How do you relish the affront put by the Irish parliament upon your Mercury in bronze? Upon what fund will you now quarter Jeremiah's mistress? The Civil List can bear no new incumbrance. It is already three quarters in arrears; and the dis-

ruffled beef-eaters having applied to you in vain, are obliged to sell their wages at an unreasonable discount.

But why do I talk of the misery of the household to you, who are not touched with that of the King? While his minister wallows in riches, he is surrounded with poverty. In vain are half-millions voted without any account by your complaisant friends in the Lower House. They are only nominal transfers, like those of the East-India directors, when they would carry a question. The whole shower of gold soon returns into the ocean, out of which it was first exhaled, and leaves the region of royalty dry and barren. But I suppose he means to copy the example of Cyrus, a prince of pious memory, who thought his riches better lodged in the hands of his friends than in his treasuries. The argument is specious. I would only advise him to enquire, whether the friends of Cyrus were Norths, Grafions, and Sandwiches? Certainly it is not upon record, that they ever induced him to render the provinces of his empire disaffected, by the multiplication of useless placemen. By what arguments, my lord, did you convince your sovereign, that twelve commissioners were necessary for collecting those revenues, which did not afford sufficient employment to seven? Was it by that arithmetic which you introduced into the decision of the Middlesex election? The event may satisfy his majesty that national characters change, and that the confusion of ideas once charged upon Ireland, is now more justly predicated of England.

You did not expect that the Hibernian patriots would have had perseverance and penetration enough to expose the fallacious estimate laid before the parliament. The facility with which the British senate has passed more fallacious accounts, had put you off your guard. This reverse will certainly render you more cautious for the future, if, after such manifest detection, you can stand your ground. But why should I suspect your downfal? We are taught by uniform experience, that notorious corruption is the *best* recommendation to the *best* of *****. Had not your fortune been already made by the plunder of the widow and orphan in the Alley, this act would have made him open with a liberal hand—the purses of his subjects. It is, when they meditate impeachments, that he thinks of rewards.

BRUTUS.

THE

POLITICAL REGISTER.

For FEBRUARY, 1772.

NUMBER LX.

To the Printer of the Political Register.

SIR,

A copy of the family-compact having lately fallen into my hands, I could not recollect that it had ever appeared in English, and therefore as not unintereſting to politicians in general, and of an alarming nature to many European powers, I took the trouble to tranſlate it, which I ſend for inſertion, together with a copy of the original: Your Regiſter, I believe, is calculated for keeping ſuch pieces on record.

In the name of the moſt holy and undivided Trinity, the Father, Son, and Holy Ghoſt. Amen.

THE ties of blood, which unite the two monarchs that reign in France and Spain, and the private ſentiments they are animated with for each other, and of which they have given ſo many proofs, have engaged his moſt Chriſtian majeſty, and his Catholic majeſty, to determine and conclude between

Au nom de la Trés-Sainte & Indiviſible Trinité, Pere, Fils et Saint-Eſprit Ainſi-ſoit-il.

Les liens du ſang, qui uniſſent les deux Monarques qui régnent en France & en Eſpagne, & les ſentimens particuliers dont ils ſont animés l'un pour l'autre, & dont ils ont donné tant de preuves, ont engagé S. M. Trés-Chrétienne

between them, a treaty of friendſhip and union, under the denomination of the Family-Compact; the principal object whereof, is to render permanent and indiviſible, as well for their ſaid Majeſties, as for their deſcendants and ſucceſſors, the obligations which are a natural conſequence of conſanguinity and friendſhip. The intention of his moſt Chriſtian majeſty and of his Catholic majeſty, in contracting the engagements they have taken upon them by this treaty, is to perpetuate in their poſterity, the ſentiments of Lewis XIV. of glorious memory, their common and auguſt great grandfather, and to make for ever to ſubſiſt a ſolemn monument of the reciprocal intereſt that ought to be the baſis of the deſires of their hearts, and of the proſperity of their royal families.

In this view, and for attaining ſo good and ſalutary a purpoſe, his moſt Chriſtian and his Catholic majeſty, have given their full powers, to wit, his moſt Chriſtian majeſty to the Duc de Choiſeul, Peer of France, Knight of his orders, and Lieutenant-General of his armies, Governor of Touraine, Grand-Maſter, and Superintendant-General of the Couriers, Poſts and Relays of France, Miniſter and Secretary of State, having the department of foreign affairs and of war: and his Catholic majeſty to the Marquis of Grimaldi, Gentleman of his Chamber, with exerciſe, and his Ambaſſador Extraordinary to the moſt Chriſtian king; who being informed of the diſpoſitions of their reſpective ſovereigns, and after communicating to each other their full powers, have agreed on the following articles.

ARTICLE

Chrêtienne & S. M. Catholique d'arrêter & de conclure entre elles un traité d'amitié & d'union, ſous la dénomination de Pacte de Famille, & dont l'objet principal eſt de rendre permanens & indiviſibles, tant pour leurs dites majeſtés que pour leurs deſcendans & ſucceſſeurs, les devoirs qui ſont une ſuite naturelle de la parenté & de l'amitié. L'intention de S. M. trés-Chrétienne & de S. M. Catholique en contractant les engagemens qu'elles prennent par ce traité, eſt de perpétuer dans leur poſtérité les ſentimens de Louis XIV. de glorieuſe mémoire, leur commun & auguſte bisayeul, & de faire ſubſiſter à jamais un monument ſolemnel de l'intérêt réciproque qui doit être la baſe des deſirs de leurs coeurs & de la proſpérité de leurs familles royales.

Dans cette vue & pour parvenir à un but ſi convenable & ſi ſalutaire, L. L. M. M. Très-Chr. & Cath. ont donné leurs pleins-pouvoirs; ſçavoir, S. M. Très-Chr. au Duc de Choiſeul, Pair de France, Chevalier de ſes Ordres & Lieutenant-Général des Armées de S. M. Gouverneur de Touraine, Grand-Maitre & Sur-Intendant-Général des Couriers, Poſtes & Relais de France, Miniſtre & Secrétaire d'État, ayant le département des affaires étrangeres & de la guerre: & S. M. Catholique, au Marquis de Grimaldi, Gentilhomme de ſa Chambre, avec exercice, & ſon Ambaſſadeur-Extraordinaire auprès du Roi Très-Chrétien: leſquels étant informés des diſpoſitions de leurs Souverains reſpectifs, & après s'etre communiqué leurs pleins-pouvoirs, ſont convenus des articles ſuivans.

ARTICLE I.

The moſt Chriſtian king, and the Catholic king, declare, that in virtue of their intimate ties of conſanguinity and friendſhip, and on account of the union they contract by the preſent treaty, they will for the future conſider as their enemy, any power that ſhall become the enemy of one or other of the two crowns.

II. The two contracting kings guarantee reciprocally, in the moſt abſolute and authentic manner, all the ſtates, lands, iſlands and places, they poſſeſs in any part of the world, without reſerve or exception; and the poſſeſſions, the object of their guarantee, are to be conſtituted, purſuant to the actual ſtate wherein they are, as ſoon as either crown ſhall be at peace with all other powers.

III. His moſt Chriſtian majeſty and his Catholic majeſty, grant the ſame abſolute and authentic guarantee to the King of the Two Sicilies, and to the Infant Don Philip, Duke of Parma, for all the ſtates, countries and places they poſſeſs; providing that his Sicilian majeſty, and the ſaid Infant Duke of Parma, ſhall likewiſe guarantee on their part, all the ſtates and dominions of his moſt Chriſtian majeſty, and of his Catholic majeſty.

IV. Tho' the inviolable and mutual guarantee, whereby his moſt Chriſtian majeſty and his Catholic majeſty bind themſelves, ought to be maintained and ſupported by their whole

ARTICLE PREMIER.

Le Roi Très-Chrétien & le Roi Catholique déclarent qu'en vertu de leurs intimes liaiſons de parenté & d'amitié, & pour l'union qu'ils contractent par le préſent traité, ils regarderont à l'avenir comme leur ennemie toute puiſſance qui le deviendra de l'une ou de l'autre des deux couronnes.

II. Les deux rois contractans ſe garantiſſent réciproquement de la maniere la plus abſolue & la plus autentique tous les etats, terres, iſles & places qu'ils poſſedent dans quelque partie du monde que ce ſoit, ſans aucune réſerve ou exception; & les poſſeſſions, objet de leur garantie, ſeront conſtituées, ſuivant l'état actuel où elles ſeront au premier moment où l'une & l'autre couronne ſe trouveront en paix avec toutes les autres puiſſances.

III. S.M. Très-Chrétienne & S. M. Cath. accordent la même garantie abſolue & autentique au Roi des Deux-Siciles & à l'Infant Don Philippe Duc de Parme, pour tous les etats, pays et places qu'ils poſſedent; bien entendu que S. M. Sicilienne & ledit Infant Duc de Parme garantiront auſſi de leur part tous les etats, domaines de S. M. Très-chrétienne & de S. M. catholique.

IV. Quoique la garantie inviolable & mutuelle à laquelle L. L. M. M. Très-chrét. & catholique s'engagent, doive être ſoutenue de toute leur puiſſance, & que leurs majeſtés l'entendent ainſi d'après le principe, qui eſt

power, their majesties so understanding it, according to the principle, the foundation of this treaty, 'that whoever attacks one crown, attacks the other;' yet the two contracting parties have judged it advisable to ascertain the first succours, which the required power shall be obliged to furnish the requiring power with.

V. It is stipulated and agreed between the two kings, that the crown required to furnish the succours, shall have in one or several of its ports, three months after the requisition, twelve armed ships of the line, and six frigates, at the entire disposal of the requiring court.

VI. The required power shall have in the same space of three months, at the disposal of the requiring power, eighteen thousand foot and six thousand horse, if France be the required power; and Spain, in case of being the required power, ten thousand foot and two thousand horse. In this difference of number, a consideration has taken place in regard to the greater number of troops in the actual pay of France, than those maintained by Spain; but if it should happen hereafter, that there was an equal number of troops on foot on both sides, the obligation would then be equally binding to furnish reciprocally the same number. The required power engages to assemble its quota, and keep it in readiness for its destination, yet without immediately sending it forth from its states, but stationing it in that part of its states as shall be directed by the requiring party, that it may lie there

le fondement de ce traité : Qui attaque une couronne, attaque l'autre ; cependant les deux parties contractantes ont jugé à propos de fixer les premiers secours, que la puissance requise sera tenue de fournir à la puissance requérante.

V. Il est convenu entre les deux Rois, que la couronne, qui sera requise de fournir le secours, aura dans un ou plusieurs de ses ports trois mois après la réquisition, douze vaisseaux de ligne & six frégates armées à la disposition entiere de la cour requérante.

VI. La puissance requise tiendra dans le même espace de trois mois à la disposition de la puissance requérante 18 mille hommes d'infanterie & 6 mille hommes de cavalerie, si la France est la puissance requise; & l'Espagne dans le cas où elle seroit la puissance requise 10 mille hommes d'infanterie & deux mille de cavalerie. Dans cette différence de nombre on a eu égard à celle qui se trouve entre les troupes que la France a actuellement sur pied, & celles qui sont entretenues par l'Espagne. Mais s'il arrivoit dans la suite, que le nombre de troupes sur pied fut égal de part & d'autre, l'obligation seroit dès-lors pareillement égale de fournir réciproquement le même nombre. La puissance requise s'engage à assembler celui qu'elle devra fournir & à le mettre à portée de sa destination, sans cependant le faire d'abord sortir de ses etats, mais de le placer dans la partie des etats qui sera indi-

there more convenient for the enterprize, or the object for which the said troops shall be demanded; and as this stationing and destination must be preceded by some embarkation, navigation, or marching of troops by land, the whole is to be at the expence of the required power, to which the said succours shall belong as a property.

VII. As to what also regards the difference of the said number of troops to be furnished, his Catholic majesty excepts the case wherein they might be necessary for defending the dominions of the king of the Two Sicilies, his son, or those of the Infant duke of Parma, his brother; so that acknowledging the obligation by preference, though voluntary, which the ties of blood should then lay him under, the Catholic king promises in these two cases, to furnish the succours of eighteen thousand foot and six thousand horse, and even all his forces, without requiring any thing from his most Christian majesty, but the number of troops above stipulated, and the endeavours his tender friendship for the princes of his blood might inspire him to do in their favour.

VIII. His most Christian majesty excepts likewise on his side, the wars wherein he might enter or take part, in consequence of the engagements he has contracted by the treaties of Westphalia, and other alliances with the powers of Germany and the North; and considering that the said wars cannot concern in any thing the crown of Spain, his most Christian majesty promises to require no succours from the Catholic king, unless some maritime powers should take part in the said wars, or the events should prove so contrary to France, as to be attacked in her own country by land; and in

indiquée par la partie requérante, afin qu'il y soit plus à portée de l'entreprise, ou objet pour lequel elle demandera les dites troupes; & comme cet emplacement devra être précédé de quelque embarquement, navigation ou marche des troupes par terre, le tout s'exécutera aux fraix de la puissance requise, à qui ledit secours appartiendra en propriété.

VII. Quant à ce qui regarde la différence dudit nombre des troupes à fournir S. M. cath. excepte le cas où elles seroient nécessaires pour défendre les domaines du Roi des Deux-Siciles, son fils, ou ceux de l'Infant Duc de Parme, son frere; de sorte que reconnoissant l'obligation de préférence, quoique volontaire, que les liens du sang & de la proche parenté lui imposeroient alors, le Roi cath. promet dans ces deux cas de fournir le secours de 18 mille hommes d'infanterie & de 6 mille de cavalerie, & même toutes ses forces sans rien exiger de S. M. Très-chrétienne que le nombre de troupes ci-dessus stipulé, & les efforts que sa tendre amitié pour les princes de son sang pourra lui inspirer de faire en leur faveur.

VIII. S. M. Très-chrétienne excepte aussi de son côté les guerres, dans lesquelles elle pourroit entrer ou prendre part en conséquence des engagemens qu'elle a contractés par les traités de Westphalie & autres alliances avec

in this last case, his Catholic majesty promises the most Christian king, to furnish him, without any exception, not only with the said ten thousand foot and two thousand horse, but also to extend, in case of necessity, this succour to eighteen thousand foot and six thousand horse, in the manner his most Christian majesty has stipulated to supply the Catholic king; his Catholic majesty engaging, if it should so happen, to pay no regard to the disproportion between the land forces of France and those of Spain.

IX. It shall be free to the requiring power, to send one or several commissioners, chosen among their subjects, to be certain of themselves that the required power has assembled in three months, reckoning from the requisition, and has in one or several of its ports the twelve armed ships of the line, and six frigates, as well as the stipulated number of land troops, all ready for marching.

X. The said ships, frigates and troops, are to act according to the will of the power that shall have an occasion for, and shall have demanded them, and the required power shall make but one only representation on the motives or objects alledged and pointed out for the employment of the said land and sea forces.

XI. What-

avec les puissances d'Allemagne & du nord; & considérant que lesdites guerres ne peuvent intéresser en rien la couronne d'Espagne, S. M. Trés-Chrétienne promet de ne point exiger aucun secours du Roi Catholique, à moins cependant, que quelques puissances maritimes ne prissent part aux-dites guerres, ou que les evénemens ne fussent si contraires à la France qu'elle seroit attaquée dans son propre pays per terre; & dans ce dernier cas S. M. Cath. promet au Roi Trés-Chr. de lui fournir sans aucune exception non seulement les susdits 10 mille hommes d'infanterie & 2000 de cavalerie, mais aussi de porter, en cas de besoin, ce secours jusqu'à 18 mille hommes d'infanterie & 6 mille de cavalerie, ainsi qu'il a été stipulé par rapport au nombre à fournir au Roi Catholique par S. M. T. C. sa majesté cath. s'engageant, si le cas arrive, de n'avoir aucun égard á la disproportion qui se trouve entre les forces de terre de la France & celles de l'Espagne.

IX. Il sera libre à la puissance requérante d'envoyer un ou plusieurs commissaires choisis parmi les sujets, pour s'assurer par eux-mêmes que la puissance requise a rassemblé dans les 3 mois, à compter de la réquisition, & tient dans un ou plusieurs de ses ports les 12 vaisseaux de ligne & 6 frégates armées en guerre, ainsi que le nombre stipulé des troupes de terre, le tout prêt à marcher.

X. Lesdits vaisseaux, frégates & troupes agiront, selon la volonté de la puissance, qui en aura besoin & qui les aura demandés, sans que sur les motifs ou sur les objets indiqués pour l'emploi desdites forces de terre & de mer, la puissance requise puisse faire plus d'une seule & unique représentation.

XI. La

XI. Whatever here has been agreed upon, ſhall take place every time the requiring power may aſk ſuccours for ſome offenſive or defenſive enterprize by land or ſea, of immediate execution, and ought to be underſtood in the caſe, when the ſhips and frigates of the required power repair to ſome port of its ſtates, becauſe it will then be ſufficient to keep its land and ſea forces ready, in the parts of its dominions ſpecified by the requiring power, as uſeful to its views.

XII. The demand which one of the two ſovereigns makes on the other for the ſuccour ſtipulated by the preſent treaty, ſhall be ſufficient for aſcertaining the want on one part, and the obligation on the other, of furniſhing the ſaid ſuccours, without its being neceſſary to enter into any manner of explanation, on any pretext whatſoever, to elude the moſt prompt and the moſt perfect execution of this engagement.

XIII. In conſequence of the foregoing article, the diſcuſſion of the offenſive and defenſive caſe cannot take place in regard to the twelve ſhips, the ſix frigates, and the land forces to be furniſhed, as theſe forces are to be conſidered in all caſes, "and three months after the requiſition," as belonging in property to the power that ſhall have required them.

XIV. The power that furniſhes the ſuccours, either in ſhips and frigates, or troops, ſhall pay them wherever its ally ſhall make them act, as if theſe forces were employed directly for itſelf; and the requiring power ſhall be obliged, whether the ſaid ſhips, frigates, or troops, remain for a long or ſhort time

XI. Ce qui vient d'être convenu, aura lieu toutes les fois que la puiſſance requérante demanderoit les ſecours pour quelque entrepriſe offenſive ou défenſive de terre ou de mer, d'une exécution immédiate, & doit s'entendre pour le cas où les vaiſſeaux & frégates de la puiſſance requiſe iroient s'établir dans quelque port de ſes etats, puiſqu'il ſuffira alors, qu'elle tienne ſes forces de terre & de mer prêtes dans les endroits de ſes domaines qui ſeront indiqués par la puiſſance requérante, comme plus utiles à ſes vues.

XII. La demande que l'un des deux ſouverains fera à l'autre des ſecours ſtipulés par le préſent traité, ſuffira pour conſtater le beſoin d'une part & l'obligation de l'autre, de fournir ledit ſecours, ſans qu'il ſoit néceſſaire d'entrer dans aucune explication, de quelque eſpece qu'elle puiſſe être, ni ſous quelque prétexte que ce ſoit, pour éluder la plus prompte & la plus parfaite exécution de cet engagement.

XIII. En conſéquence de l'article précédent, la diſcuſſion du cas offenſif & défenſif ne pourra point avoir lieu par rapport aux douze vaiſſeaux, aux 6 frégates, & aux troupes de terre à fournir, ces forces devant être regardées dans tous les cas, & trois mois après la requiſition, comme appartenant en propriété à la puiſſance, qui les aura requiſes.

XIV. La puiſſance, qui fournira le ſecours, ſoit en vaiſſeaux & frégates ſoit en troupes, les payera par-tout où ſon allié les fera agir, comme ſi ces forces étoient employées directement pour elle-même; & la puiſſance requérante ſera obligée, ſoit que leſdits vaiſſeaux, frégates ou troupes reſtent peu ou

time in the ports, to provide for them all neceſſaries, at the ſame price as if they were its own, and to make them enjoy the ſame prerogatives and privileges, its own troops enjoy. It has been agreed, that in no wiſe the ſaid ſhips or troops ſhall be at the charge of the power to which they are ſent, and that they ſhall remain at its diſpoſal, during the continuance of the war in which it ſhall have engaged.

XV. The moſt Chriſtian king and the Catholic king, bind themſelves to keep compleat and well armed the ſhips, frigates and troops, which their majeſties are to furniſh reciprocally; ſo that as ſoon as the required power ſhall have furniſhed the ſuccours ſtipulated by the articles V. and VI. of the preſent treaty, it ſhall procure the fitting out and arming in its ports of a ſufficient number of ſhips, for immediately replacing thoſe which may be loſt from accidents of the war or ſea; and the ſame power ſhall equally keep ready the recruits, and the neceſſary repairs for the land troops it ſhall have furniſhed.

XVI. The ſuccours ſtipulated in the foregoing articles, purſuant to the time and manner ſet forth, are to be conſidered as an obligation inſeparable from the ties of conſanguinity and friendſhip, and the intimate union the two contracting monarchs deſire to perpetuate among their deſcendants; and theſe ſtipulated ſuccours are what the required power can leaſt do for the power that ſhall have an occaſion for them: but as the intention of the two kings is, that war commencing for or againſt one of the two crowns, ought to become peculiar and perſonal to the other, it is agreed and determined, that

ou long-tems dans les ports, de les faire pourvoir de tout ce dont elles auront beſoin au même prix que ſi elles lui appartenoient en propriété, & à les faire jouir des mêmes prérogatives & priviléges, dont jouiſſent ſes propres troupes. Il a été convenu, que dans aucun cas leſdits vaiſſeaux où troupes ne pourront être à la charge de la puiſſance, à qui ils ſeront envoyés, & qu'ils ſubſiſteront à ſa diſpoſition pendant toute la durée de la guerre dans laquelle elle ſe trouvera engagée.

XV. Le Roi T. chr. & le Roi cath. s'obligent à tenir complets & bien armés les vaiſſeaux, frégates, & troupes, que L. L. M. M. ſe fourniront réciproquement; de ſorte qu'auſſitot que la puiſſance requiſe aura fourni les ſecours ſtipulés par les art. 5 and 6 du préſent traité, elle fera armer dans ſes ports un nombre ſuffiſant de vaiſſeaux pour remplacer ſur le champ ceux qui pourroient être perdus par les événemens de la guerre ou de la mer: cette même puiſſance tiendra également prêtes les recrues & les réparations néceſſaires pour les troupes de terre qu'elle aura à fournir.

XVI. Les ſecours ſtipulés dans les art. précédens ſelon le tems & la maniere qui a été expliquée, doivent être conſidérés comme une obligation inſéparable des liens de la parenté & amitié & de l'union intime que les deux monarques contractans deſirent de perpétuer entre leurs deſcendans; & ces ſecours

that as soon as the two kings shall engage in a war, declared against the same enemy or enemies, the obligation of the said stipulated succours shall cease, and in lieu thereof, for the two crowns shall succeed the obligation of waging war conjointly, by employing in it all their forces; and for this purpose, the two high contracting parties shall then stipulate between them particular agreements, relative to the circumstances of the war in which they are engaged, and shall concert their efforts, and their respective and reciprocal advantages, as also their military and political plans and operations; and these agreements being ratified, the two kings shall execute them together, and with one common and perfect accord.

XVII. His most Christian and his Catholic majesty engage and promise, in case of being at war, neither to execute, nor make any proposal of peace, nor treat of, nor conclude any with their enemy or enemies, but with one common accord and mutual consent, and to communicate reciprocally whatever might come to their knowledge, which should interest the two crowns, and in particular the object of the pacification; so that in war, as well as in peace, each of the two crowns shall consider as its own interests, those of the crown its ally.

XVIII. Con-

secours stipulés seront ce que la puissance requise pourra faire de moins pour la puissance qui en aura besoin. Mais comme l'intention des deux Rois est que la guerre commençant pour ou contre l'une des deux couronnes, doit devenir propre & personelle à l'autre, il est convenu que dès que les deux Rois se trouveront en guerre déclarée contre le même ou les mêmes ennemis, l'obligation desdits secours stipulés cessera & à la place succédera pour les deux couronnes l'obligation de faire la guerre conjointement en y employant toutes leurs forces; & pour cet effet les deux hautes parties contractantes feront alors entre elles des conventions particulieres, relatives aux circonstances de la guerre, dans laquelle elles se trouveront engagées, concerteront leurs efforts & leurs avantages respectifs & réciproques, comme aussi leurs plans & opérations militaires & politiques; & ces conventions étant faites, les deux Rois les exécuteront ensemble & d'un commun & parfait accord.

XVII. L. L. M. M. T. chr. & cath. s'engagent & se promettent pour le cas ou elles se trouveroient en guerre, de n'exécuter, ni faire aucune proposition de paix, de ne la traiter ni conclure avec l'ennemi ni les ennemis qu'elles auront, que d'un accord & consentement mutuel & commun, & de se communiquer réciproquement tout ce qui pourroit venir à leur connoissance qui intéresseroit les deux couronnes & en particulier sur l'objet de la pacification; de sorte qu'en guerre comme en paix, chacune des deux couronnes regardera comme ses propres intérêts ceux de la couronne, son alliée.

XVIII. Conformably to this principle, and the engagement contracted in consequence thereof, his most Christian and his Catholic majesty agree, that when the war they have supported in common is terminated by peace, they shall compensate the advantages one of the two powers may have had, with the losses the other may have sustained, so that in regard to the conditions of peace, as well as the operations of war, the two monarchs of France and Spain, through the whole extent of their dominion, shall be considered and shall act as if they formed but one only and the same power.

XIX. His majesty the king of the Two Sicilies, having the same connection of kindred and friendship, and the same interests that intimately unite his most Christian and his Catholic majesty, his said Catholic majesty stipulates for the king of the Two Sicilies, his son, and takes upon him to make him ratify, as well for himself as for his descendants in perpetuity, all the articles of the present treaty; and further, that whatever regards the proportion of the succours to be furnished by his Sicilian majesty, it shall be determined by his act of accession to the said treaty, according to the extent of his power.

XX. His most Christian majesty, and their Catholic and Sicilian majesties, engage not only to concur to the support and splendour of their kingdoms in their actual state, but also

XVIII. En conformité de ce principe & de l'engagement contracté en conséquence leurs M. T. chr. & cath. sont convenues, que lorsqu'il s'agira de terminer par la paix la guerre qu'elles auront soutenue en commun, elles compenseront les avantages qu'une des deux puissances pourroit avoir eus avec les pertes que l'autre auroit pu faire, de maniere que sur les conditions de la paix ainsi que sur les opérations de la guerre les deux monarchies de France & d'Espagne dans toute l'étendue de leur domination seront regardées & agiront comme si elles ne formoient qu'une seule & même puissance.

XIX. S. M. le Roi des Deux-Siciles ayant les mêmes liaisons de parenté & d'amitié & les mêmes intérêts, qui unissent intimement L. L. M. M. T. chr. & cath. S. M. cath. stipule pour le Roi des Deux-Siciles, son fils, & s'oblige à lui faire ratifier, tant pour lui que pour ses descendans à perpétuité, tous les articles du présent traité; bien entendu que pour ce qui regarde la proportion des secours à fournir par S. M. Sicilienne, ils seront déterminés dans son acte d'accession audit traité, suivant l'étendue de sa puissance.

XX. L. L. M. M. T. chr. cath. & Sicilienne s'engagent non seulement à concourir au maintien & à la splendeur de leurs Royaumes dans l'état où ils se trouvent actuellement, mais encore à soutenir sur tous les objets, sans exception, la dignité & les droits de leurs maisons; de sorte que chaque prince

alſo to maintain beyond all other objects without exception, the dignity and rights of their houſes; ſo that each prince, who ſhall have the honour to be deſcended from the ſame blood, may be aſſured, on all occaſions, of the protection and aſſiſtance of the three crowns.

XXI. The preſent treaty being to be conſidered, as ſet forth in the preamble, 'a Family-Compact between all the branches of the auguſt houſe of Bourbon,' no other power but thoſe of this houſe, can be invited or admitted to accede to it.

XXII. The ſtrict friendſhip that unites the contracting monarchs, and the engagements they enter into by this treaty, determine them alſo to ſtipulate, that their reſpective ſtates and ſubjects ſhall partake of the advantages and union eſtabliſhed between theſe ſovereigns; and their majeſties promiſe not to ſuffer in any caſe, nor under any pretence whatſoever, their ſaid ſubjects and ſtates to do or undertake any thing contrary to the preſent correſpondence, that ought to ſubſiſt inviolably between the three crowns.

XXIII. To cement in as great a degree as the nature of the matter may admit this good underſtanding, and thoſe reciprocal advantages between the ſubjects of the two crowns, it is agreed that the Spaniards ſhall be no longer reputed Aubains in France, and conſequently his moſt Chriſtian majeſty engages to aboliſh in their favour the 'Droit d'Aubaine,' whence they may diſpoſe by donative wills or otherwiſe, of all their goods and effects without exception, of what nature ſoever, they may poſſeſs in his kingdom; and their heirs, ſubjects of his Catholic majeſty, reſiding as well in France as

 elſewhere,

prince qui aura l'honneur d'être iſſu du même ſang, pourroit être aſſuré en toute occaſion de la protection & de l'aſſiſtance des trois couronnes.

XXI. Le préſent traité devant être regardé, ainſi qu'il a été annoncé dans le préambule, comme un Pacte de Famille entre toutes les branches de l'auguſte maiſon de Bourbon, nulle autre puiſſance que celles qui ſeront de cette maiſon, ne pourra être invitée ni admiſe à y accéder.

XXII. L'amitié étroite qui unit les monarques contractans, & les engagemens qu'ils prennent par ce traité, les déterminent auſſi à ſtipuler que leurs etats & ſujets reſpectifs participeront aux avantages & à la liaiſon établie entre ces ſouverains, & L. M. ſe promettent de ne pas ſouffrir qu'en aucun cas, ni ſous quelque prétexte que ce ſoit, leurs dits etats & ſujets puiſſent rien faire ou entreprendre de contraire à la parfaite correſpondance, qui doit ſubſiſter inviolablement entre les trois couronnes.

XXIII. Pour cimenter d'autant plus cette intelligence & ces avantages réciproques entre les ſujets des deux couronnes, il a été convenu que les Eſpagnols ne ſeront plus réputés Aubains en France, & en conſéquence S. M. T. C. s'engage à abolir en leur faveur le Droit d'Aubaine, enſorte qu'ils pourront diſpoſer par teſtamens donatifs ou autrement, de tous leurs biens

ſans

elſewhere, may recover and enjoy their ſucceſſions, even tho' they ſhould die inteſtate, either by themſelves, their attorneys, or order, without having previouſly obtained letters of naturalization, and may tranſport them out of the ſtates of his moſt Chriſtian majeſty, notwithſtanding all laws, edicts, ſtatutes, cuſtoms, or rights hereto contrary, which his moſt Chriſtian majeſty relinquiſhes, in as great a degree as the occaſion may require. His Catholic majeſty engages on his ſide, to procure the enjoyment of the ſame privileges, and after the ſame manner, in all the ſtates and countries of his dominions in Europe, for all the French and ſubjects of his moſt Chriſtian majeſty, in regard to the free diſpoſal of whatever they may poſſeſs through the whole extent of the Spaniſh monarchy; ſo that the ſubjects of the two crowns ſhall be generally treated in every particular regarding this article, in the countries of the two dominions, as the proper and natural ſubjects of the power in the ſtates of which they may reſide. All that is ſaid above in regard to the abolition of the 'Droit d'Aubaine,' and the advantages the French are to enjoy in the ſtates of the kingdom of Spain in Europe, and the Spaniards in France, is granted to the ſubjects of the king of the Two Sicilies, who are comprehended on the ſame conditions in this article; and reciprocally the ſubjects of his moſt Chriſtian majeſty and his Catholic majeſty, are to enjoy the ſame exemptions and advantages in the ſtates of his Sicilian majeſty.

XXIV. The

ſans exception, de quelque nature qu'ils ſoient, qu'ils poſſéderont dans ſon Royaume, & que leurs héritiers, ſujets de S. M. cath. demeurant tant en France qu'ailleurs, pourront recueillir leurs ſucceſſions même ab inſtetât, ſoit par eux-mêmes, ſoit par leurs procureurs, ou mandateurs, quoiqu'ils n'ayent point obtenu de lettres de naturalité; & les tranſporter hors des etats de S. M. T. C. non obſtant toutes loix, edits, ſtatuts, contumes ou droits à ce contraires, auxquelles S. M. T. C. déroge entant que beſoin ſeroit. S. M. cath. s'engage de ſon coté à faire jouir des mêmes priviléges & de la même maniere dans tous les etats & pays de ſa domination en Europe tous les François & ſujets de S. M. T. C. par rapport à la libre diſpoſition des biens qu'ils poſſéderont dans toute l'etendue de la monarchie Eſpagnole: de ſorte que les ſujets des deux couronnes ſeront généralement traités en tout & pour tout ce qui regarde cet article, dans les pays des deux dominations, comme les propres & naturels ſujets de la puiſſance, dans les etats de laquelle ils réſideront. Tout ce qui eſt dit ci-deſſus par rapport à l'abolition du Droit d'Aubaine & aux avantages dont les François doivent jouir dans les etats du Royaume d'Eſpagne en Europe, & les Eſpagnols en France, eſt accordé, aux ſujets du Roi des Deux-Siciles, qui ſeront compris aux mêmes conditions dans cet article; et reciproquement les ſujets de L. M. T. C. & catholique jouiront des mêmes exemptions & avantages dans les etats de S. M. Sicilienne.

XXIV. Les

XXIV. The ſubjects of the high contracting parties ſhall be treated relatively to commerce and impoſts in each of the two kingdoms in Europe, as natural ſubjects of the country where they ſhall arrive or reſide, ſo that the Spaniſh flag ſhall enjoy in France the ſame rights and prerogatives the French flag does, and in like manner the French flag ſhall be treated in Spain with the ſame favour as the Spaniſh flag. The ſubjects of the two monarchies declaring their merchandizes, ſhall pay the ſame duties as are paid by nationals; importation and exportation ſhall be equally free to them, as to natural ſubjects, and no duties ſhall be payable on either ſide, but thoſe the ſovereign's own ſubjects are liable to, nor other things ſubject to confiſcation, but thoſe prohibited to nationals themſelves; and as to what regards theſe particulars, all prior treaties, conventions, or engagements between the two monarchies, ſhall remain aboliſhed: furthermore, no other foreign power ſhall enjoy in Spain no more than in France, any greater emolumental privilege than that of the two nations; the ſame regulation ſhall be obſerved in France and Spain, in regard to the flag and ſubjects of the king of the Two Sicilies, and his Sicilian majeſty ſhall have it reciprocally obſerved in regard to the flag and ſubjects of the crowns of France and Spain.

XXV. If the high contracting parties make hereafter ſome treaty of commerce with other powers, and grant them, or have

XXIV. Les ſujets des hautes parties contractantes ſeront traités relativement au commerce & aux impoſitions, dans chacun des deux Royaumes en Europe, comme les propres ſujets du pays ou ils aborderont ou réſideront, de ſorte que le pavillon Eſpagnol jouira en France des mêmes droits & prérogatives que le pavillon François, & pareillement que le pavillon François ſera traité en Eſpagne avec la même faveur que le pavillon Eſpagnol. Les ſujets des deux monarchies en déclarant leurs merchandiſes payeront les mêmes droits qui ſeront payés par les nationaux. L'importation & exportation leur ſera égalment libre, comme aux ſujets naturels, & il n'y aura de droits à payer de part & d'autre, que ceux qui ſeront percus ſur les propres ſujets du ſouverain, ni de matieres ſujettes à confiſcation, que celles qui ſeront prohibées aux nationaux eux-mêmes; & pour ce qui regarde ces objets, tout traité, conventions ou engagemens antérieurs entre les deux monarchies, reſteront abolis: bien entendu que nulle autre puiſſance étrangere ne jouira en Eſpagne non plus qu'en France d'aucun privilége plus avantageux que celui des deux nations. On obſervera les mêmes régles en France & en Eſpagne à l'égard du pavillon & des ſujets du Roi des Deux Siciles, & S. M. S. le fera réciproquement obſerver à l'égard du pavillon & des ſujets des couronnes de France & d'Eſpagne.

XXV. Si les hautes parties contractantes font dans la ſuite quelque traité de commerce avec d'autres puiſſances: & leur accordent ou leur ont déjà accordé dans leurs ports ou etats le traitement de la nation la plus favoriſée,

have already granted them in their ports or ſtates, the treatment of the moſt favoured nation, it ſhall be notified by way of prevention to the ſaid powers, that the treatment of the Spaniards in France and in the Two Sicilies, of the French in Spain and likewiſe in the Two Sicilies, and of the Neapolitans and Sicilians in France and Spain on the ſame conſideration, is excepted in this reſpect, and ought not to be produced nor ſerve for an example, his moſt Chriſtian majeſty and their Catholic and Sicilian majeſties, being unwilling any other nation ſhould partake of the privileges, they have judged proper to impart indiſcriminately to their reſpective ſubjects.

XXVI. The high contracting parties ſhall make a reciprocal communication of all the alliances they may hereafter form, and the negociations they may enter into, eſpecially when any way connected with their common intereſts; and in conſequence hereof his moſt Chriſtian majeſty, and their Catholic and Sicilian majeſties, ſhall order all their reſpective miniſters in other European courts, to live with each other in the moſt perfect intelligence, and with the moſt intire confidence, that all the ſteps taken in the name of any of the three crowns, may tend to their glory and common advantage, and be a conſtant pledge of the intimate union which their ſaid majeſties deſire to maintain and perpetuate with one another.

XXVII. The nice point of precedence in acts, functions, and public ceremonies, is often an obſtacle to the good harmony

riſée, on préviendra les dites puiſſances que le traitement des Eſpagnols en France & dans les Deux-Siciles, des Francois en Eſpagne & pareillement dans les Deux Siciles, & des Napolitains & Siciliens en France & en Eſpagne ſur le même objet, eſt excepté à cet égard & ne doit point être cité ni ſervir d'exemple; L. M. T. Chr. catholique & Sicilienne ne voulant faire participer aucune autre nation aux priviléges, dont elles jugent convenable de faire jouir réciproquement leurs ſujets reſpectifs.

XXVI. Les hautes parties contractantes ſe confieront réciproquement toutes les alliances, qu'elles pourront former dans la ſuite, & les négociations qu'elles pourront ſuivre, ſour-tout lorſqu'elles auront quelque rapport avec leurs intérêts communs; & en conſequence L. L. M. M. T. chr. cath. & Sicilienne ordonneront à tous les miniſtres reſpectifs qu'elles entretiennent dans les autres cours de l'Europe, de vivre entre eux dans l'intelligence la plus parfaite & avec la plus entiere confiance, afin que toutes les démarches faites au nom de quelqu'une des trois couronnes tendent à leur gloire & à leurs avantages communs & ſoient un gage conſtant de l'intimité que leurs dites majeſtés veulent établir & perpétuer entre elles.

XXVII. L'Objet

mony and intimate confidence it is necessary to maintain between the respective ministers of France and Spain, because these sorts of discussions, whatever means may be adopted for silencing them, generally irritate minds. They were natural when the two crowns belonged to princes of different houses; but now, and since Providence has vouchsafed to maintain on the two thrones sovereigns of the same house, it is not proper any occasion of altercation or discontent should subsist between them; his most Christian majesty and his Catholic majesty, have therefore agreed to lay it down as an invariable rule to their ministers, vested with the same character in family courts as are now those of Naples and Parma, that the ministers of the monarch head of the house shall always have the precedence in any act, function, or ceremony whatever; which precedence is to be considered as a consequence of the advantage of birth, and that in all other courts the minister, whether of France or Spain, who is arrived last, or whose residence is more recent, shall give place to the minister of the other crown, and of the same character who is come first, or whose residence is longer; so that for the future, in this respect, there may be a constant and fraternal alternative, to which no other power ought nor can be admitted, forasmuch as this arrangement, which is merely a consequence of this present Family Compact, would cease and determine, if the princes of the same house did not occupy

XXVII. L'Objet délicat dans la préséance, dans les actes, fonctions & cérémonies publiques, est souvent un obstacle à la bonne harmonie & à l'intime confiance, qu'il convient d'entretenir entre les ministres respectifs de France & d'Espagne, parce que ces sortes de discussions, quelque tournure qu'on prenne pour les faire cesser, indisposent les esprits; elles etoient naturelles, quand les deux couronnes appartenoient à des princes de deux différentes maisons; mais actuellement & pour tout le tems que la providence a déterminé de maintenir sur les deux trones des souverains de la même maison, il n'est pas convenable qu'il subsiste entre eux une occasion continuelle d'altercation & de mécontentement. L. L. M. M. T Chr. & Cath. sont convenues en conséquence de faire entiérement cesser cette occasion en fixant pour régle invariable à leurs ministres revêtus du même caractere dans les cours de famille comme sont présentement celles de Naples & de Parme, que les ministres du monarque chef de la maison auront toujours la préséance dans tel acte, fonction ou cérémonie que ce soit, laquelle préséance sera regardée comme une suite de l'avantage de la naissance, & que dans toutes les autres cours le ministre, soit de France soit d'Espagne, qui sera arrivé le dernier, ou dont la résidence sera plus récente, cédera au ministre de l'autre couronne & de même caractere qui sera arrivé le premier, ou dont la résidence sera plus ancienne; de façon qu'il y aura désormais à cet égard une alternative constante & fraternelle, à laquelle aucune autre puissance ne devra ni ne pourra être admise, attendu que cet arrangement, qui

by the thrones of the two monarchies, as then each crown would resume its rights or pretensions to precedence: It has been likewise agreed to, that if by chance the ministers of the two crowns should arrive precisely at the same time in a court, that is not of the family, the minister of the sovereign, head of the house, shall have the precedence on that account of the minister of the sovereign, who is junior of the house.

XXVIII. The present treaty or Family Compact shall be ratified, and the ratifications shall be exchanged within the space of one month, or sooner, if it can be done, reckoning from the day of the signing of the said treaty.

In confirmation of which, we, the ministers, plenipotentiary of his most Christian majesty, and of his Catholic majesty, subsigned, in virtue of the full powers which are literally and faithfully transcribed at bottom of this present treaty, have signed it, and put thereto the seals of our arms.

Done at Paris the 15th August 1761.

(Signed) The Duc DE CHOISEUL.

qui est uniquement une suite du présent Pacte de Famille, cesseroit, si des princes de la même maison n'occupoient plus les trones des deux monarchies & qu'alors chaque couronne rentreroit dans ses droits ou prétentions à la préséance. Il a été convenu aussi, que si par quelque cas fortuit les ministres des deux couronnes arrivoient précisément en même tems dans une cour, autre que celle de famille, le ministre du souverain, chef de la maison, précédera à ce titre le ministre du souverain, cadet de la maison.

XXVIII. Le présent traité ou Pacte de Famille sera ratifié, & les ratifications en seront échangées dans le tems d'un mois, ou plus tot, si faire se peut, à compter du jour de la signature dudit traité.

En foi de quoi nous ministres-plénipotentiaires de sa majesté T. C. & de S. M. Cath. sousignés, en vertu de pleins-pouvoirs, qui sont transcrits littéralement & fidélement au bas de ce présent traité, nous l'avons signé & y avons apposé les cachets de nos armes.

Fait à Paris le 15 Août 1761.

(Signé) Le Duc DE CHOISEUL.

For the POLITICAL REGISTER.

Thoughts on Princes who have been particularly fond of their Subjects.

Di questo Signor splendido ogni intento
Sara che'l Popol suo viva contento. ORL. FUR.

"THE destiny of that prince, and the object of his wishes, shall be to love his people, and to make them happy."—Such is the noble light Ariosto places Borsus, first Duke of Ferrara in! What a magnificent eulogium! Every man, laying his hand on his heart, shall warrant, that on that account only, his memory will be transmitted to the most distant ages, and will be dear to them. Let

Let us forbear giving to monarchs falſe ideas of glory, by placing it in what contributes to the diſtreſs and calamities of thoſe who are ſubject to their laws.

A king beloved by his people, a king that ſtudies the happineſs of his people, is the only great king.

The audacious mind that firſt inſinuated to a ſubmiſſive and tranquil people, that "the firſt king was a fortunate ſoldier", ſhould not have enjoyed the inſtant that gave birth to the idea theſe words were expreſſive of, becauſe in monarchies and empires they ſow the ſeeds of rebellion and tyranny.

Kings ſhould have no uſurped power, they ſhould be all fathers. Let us conſider them in this point of view, the only true one, and then we ſhall be in no dread of ſlavery. The ſurname of Father was the firſt that adorned the ſovereigns of the moſt ancient monarchies; it is the unſhaken ſupport of thrones, and ſource of happineſs to the people. Cyrus was called the Father of Men, ſo means the word Abimelech in the ſcripture. When tyrannic pride required one more pompous, then did fear drive love away from the hearts of ſubjects, and kings ceaſed to reckon the days of their lives by their benefactions. Memphis would ſtill be one of the ornaments of the world, if the Ptolemys had not ſubſtituted to that fine title others more oſtentatious, or devoid of ſenſe.

The princes, whoſe names will be always dear to the world, and whom hiſtory repreſents to us as having nothing more at heart than the happineſs of their ſubjects, always gloried in having for them that tenderneſs which children only can pretend to.

Why does Antoninus repeat ſo often, "That it is better to ſave a citizen, than kill a thouſand enemies?"

Why does Titus think that he had loſt the day that was not marked by his having done ſome good?—The reaſon is plain; theſe princes conſidered themſelves leſs as the maſters than the fathers of their people, and believed that in that quality they ſhould find themſelves happy.

Henry the Fourth of France was called by excellence the father of his people. We are ſurprized, that even before he was acknowledged king, he ſhould be found ſunk in melancholy after every victory he gained over the French, who had been leagued againſt him. "I cannot, ſays he, rejoice in an advantage, which I do not obtain but by the loſs of my ſubjects; the blood of the French ſeems to blaſt my laurels."

Ye monarchs and potentates, get engraved on your proud portals, that ye have no intereſt ſeparate from that of your

people, and let your sentiments correspond with the confession.

When, in looking over the fasti of the world, I figure to myself the streams of blood the surnames of Warlike, Invincible, Thunderbolts, given to some sovereigns, have made to flow, I cannot help crying out, how long shall our eyes be dazzled with the false glory of conquerors? And if the conquest of hearts is the only a great soul should be ambitious of, what titles can be compared with those of the 'delight of mankind, the good, the beloved?'

If I enter the cabinets of the curious, they are fond of shewing me compleat sets of antique medals, and all the precious spoils of a diversity of other treasures. Among them are heads and reverses well preserved, and vulgar eyes see with astonishment carrs, temples, whole armies, and triumphal arches struck with exquisite art. Here are Percenius, Niger, the Gordians of Africa, and Otho in grand bronze; in short, every thing rare in this sort of erudition, enriches this immense collection; but if convinced that the most estimable pieces in point of antiques, are those that represent and perpetuate the finest actions of princes, I shall give the preference to that where I see Trajan distribute ears of wheat to the children Italy presents to him, with this simple inscription, but dear to my heart, 'Alim Ital.' 'He fed Italy;' yet I depart with a full sneer of contempt from the antiquary, and all that call themselves connoisseurs. O men, in what do ye make true glory to consist!

How I love to represent to myself on one side Pyrrhus conferring with Cyneas on his ambitious projects; and, on the other, Henry IV. of France, confessing to a Spanish ambassador the sole object of his wishes.

Pyrrhus proposes first to throw a bridge over the sea to pass from Epirus into Italy; Italy conquered; he is to subject Sicily to his laws, then he is to subdue Carthage, reduce a second time Macedonia to his power, bring all Greece under his yoke, and after so many victories, spend the rest of his day in the bosom of pleasures.

Henry has no other ambition than to make his subjects live comfortably, "with God's will and pleasure, says that good king, if I live but a few years longer, I shall put things upon such a footing, that every labouring man in my kingdom shall be able to have a fowl in his pot every Sunday."

What a contrast! If there be a soul among us not touched by the beauty of that wish, let him depart, and go to live under tyrants.

JUNIUS

JUNIUS *to* LORD CHIEF JUSTICE MANSFIELD.

21st *January*, 1772.

I HAVE undertaken to prove that when, at the intercession of three of your countrymen, you bailed *John Eyre*, you did that, *which by law you were not warranted to do*, and that a felon, under the circumstances, *of being taken in the fact, with the stolen goods upon him, and making no defence*, is *not baildble* by the Laws of England. Your learned advocates have interpreted this charge into a denial that the Court of King's Bench, or the Judges of that Court during the vacation, have any greater authority to bail for criminal offences, than a Justice of Peace. With the instance before me, I am supposed to question your power of doing wrong, and to deny the existence of a power, at the same moment that I arraign the illegal exercise of it. But the opinions of such men, whether wilful in their malignity, or sincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not understand me so, and, I promise you, your cause requires an abler defence.—I am now to make good my charge against you. However dull my argument, the subject of it is interesting. I shall be honoured with the attention of the public, and have a right to demand the attention of the legislature. Supported, as I am, by the whole body of the criminal Law of England, I have no doubt of establishing my charge. If, on your part, you should have no plain, substantial defence, but should endeavour to shelter yourself under the quirk and evasion of a practising Lawyer, or under the mere, insulting assertion of power without right, the reputation you pretend to is gone for ever;—you stand degraded from the respect and authority of your office, and are no longer, *de jure*, Lord Chief Justice of England. This Letter, my Lord, is addressed, not so much to *you*, as to the Public. Learned as you are, and quick in apprehension, few arguments are necessary to satisfy you, that you have done that which by law you were not warranted to do. Your conscience already tells you, that you have sinned against knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law upon trust. They rely upon authority, because they are too indolent to search for information; or, conceiving that there is some mystery in the laws of their country, which Lawyers only are qualified to explain, they distrust their judgement, and voluntarily renounce the right of

thinking for themselves. With all the evidence of history before them, from *Tresilian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it possible that a learned Judge can act in direct contradiction to those laws, which he is supposed to have made the study of his life, and which he has sworn to administer faithfully. Superstition is certainly not the characteristic of this age. Yet some men are bigoted in politics, who are infidels in religion.—I do not despair of making them ashamed of their credulity.

The charge I brought against you is expressed in terms guarded and well considered. They do not deny the strict power of the Judges of the Court of King's Bench to bail in Cases, not bailable by a Justice of Peace, nor replevisable by the common writ, or *ex officio* by the Sheriff. I well knew the practice of the Court, and by what legal rules it ought to be directed. But, far from meaning to soften or diminish the force of those terms I have made use of, I now go beyond them, and affirm,

I. That the superior power of bailing for felony, claimed by the Court of King's Bench, is founded upon the opinion of Lawyers, and the practice of the Court;—that the assent of the Legislature to this power is merely negative, and that it is not supported by any positive provision in any statute whatsoever—If it be, produce the statute.

II. Admitting that the Judges of the Court of King's Bench are vested with a discretionary power to examine and judge of circumstances and allegations, which a Justice of Peace is not permitted to consider, I affirm that the Judges, in the use and application of that discretionary power, are as strictly bound by the spirit, intent, and meaning, as the Justice of Peace is by the words of the Legislature. Favourable circumstances, alledged before the Judge, may justify a doubt whether the prisoner be guilty or not; and where the guilt is doubtful, a presumption of innocence should, in general, be admitted. But, when any such probable circumstances are alledged, they alter the state and condition of the prisoner. *He* is no longer that *all but convicted* felon, whom the Law intends, and who by Law is *not bailable at all.* If no circumstances whatsoever are alledged in his favour;—if no allegation whatsoever be made to lessen the force of that evidence, which the law annexes to a positive charge of felony, and particularly to the fact of *being taken with the maner*, I then say that the Lord Chief Justice of England has no more right to bail him than a Justice of Peace. The discretion of an English Judge is not of mere will and pleasure;—it is not arbitrary;

arbitrary;—It is not capricious; but as that great Lawyer (whose authority I wish you respected half as much as I do) truly says * "Discretion, taken as it ought to be, is *discernere per legem quid sit justum.* If it be not directed by the right line of the law, it is a crooked cord, and appeareth to be unlawful."—If discretion were arbitrary in the Judge, he might introduce whatever novelties he thought proper; but, says Lord Coke, "Novelties, without warrant of precedents, are not to be allowed: some certain rules are to be followed; —*Quicquid judicis authoritati subjicitur, novitati non subjicitur;*" and this sound doctrine is applied to the Star-Chamber, a court confessedly arbitrary. If you will abide by the authority of this great man, you shall have all the advantages of his opinion, wherever it appears to favour you. Excepting the plain, express meaning of the legislature, to which all private opinions must give way, I desire no better judge between us than Lord Coke.

III. I affirm that, according to the obvious, indisputable meaning of the legislature, repeatedly expressed, a person positively charged with *feloniously stealing* and taken *in flagrante delicto*, with the stolen goods upon him, is *not bailable.* The law considers him as differing in nothing from a *convict*, but in the form of conviction, and (whatever a corrupt Judge may do) will accept of no security, but the confinement of his body within four walls. I know it has been alledged in your favour, that you have often bailed for murders, rape, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your example. If that were a protection to you, where is the crime that, as a Judge, you might not now securely commit? But neither shall I suffer myself to be drawn aside from my pretent argument, nor *you* to profit by your own wrong.—To prove the meaning and intent of the legislature will require a minute and tedious deduction. To investigate a question of law demands some labour and attention, though very little genius or sagacity. As a practical profession, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart. Subtlety is soon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as some there are undoubtedly,

* 4. Inst. 41. 66.

of

of genius and morality united in a lawyer, they are distinguished by their singularity, and operate as exceptions.

I must solicit the patience of my readers. This is no light matter, nor is it any more susceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail, in charges of felony, has been exactly ascertained by acts of the legislature, it is at present of little consequence to enquire how it stood at Common-law, before the statute of Westminster. And yet it is worth the reader's attention to observe, how nearly, in the ideas of our ancestors, the circumstance of being taken *with the maner* approached to the conviction of the felon *. "It fixed the authoritative stamp of verisimilitude upon the accusation, and, by the common law, when a thief was taken *with the maner* (that is, with the thing stolen upon him *in manu)* he might, so detected *flagrante delicto*, be brought into court, arraigned and tried, *without indictment*; as, by the Danish law, he might be taken and hanged upon the spot, without accusation or trial." It will soon appear that our statute law, in this behalf, though less summary in point of proceeding, is directed by the same spirit. In one instance, the very form is adhered to. In offences relating to the forest, if a man was taken with vert, or venison †, it was declared to be equivalent to indictment. To enable the reader to judge for himself, I shall state, in due order, the several statutes relative to bail in criminal cases, or as much of them as may be material to the point in question, omitting superfluous words. If I misrepresent, or do not quote with fidelity, it will not be difficult to detect me.

‡ The statute of Westminster the first, 1275, sets forth that, "Forasmuch as Sheriffs and others, who have taken and kept in prison persons detected of felony, and incontinent have let out by replevin such as were *not replevisable* because they would gain of the one party and grieve the other: and forasmuch as, before this time, it was not determined which persons were replevisable and which not, it is provided and by the King commanded that such prisoners, &c. as be *taken with the maner*, &c. or for *manifest* offences, shall be *in no wise* replevisable by the

* Blackstone, 4. 303.

† 1 Ed. III. cap. 8.—and 7 Rich. II. cap. 4.

‡ "Videtur que le Statute de Mainprise nest que Rehersall del comen ley."

Bro. Mainp. 61.

common writ nor without writ." *—Lord Coke, in his expoposition of the last part of this quotation, accurately distinguishes between *replevy* by the common writ or ex officio, and *bail* by the King's Bench. The words of the statute certainly do not extend to the Judges of that Court. But, besides that the reader will soon find reason to think that the legislature, in their intention made no difference between bailable and replevisable. Lord Coke himself (if he be understood to mean nothing but an exposition of the statute of Westminster, and not to state the law generally) does not adhere to his own distinction. In expounding the other offences, which, by this statute, are declared *not replevisable*, he constantly uses the words *not bailable*.—That outlaws, for instance, are *not bailable at all*; that persons, who have abjured the realm, are attainted upon their own confession, and therefore *not bailable at all by law*;—that provers are *not bailable*;—that notorious felons are *not bailable*." The reason, why the superior courts were not named in the statute of Westminster, was plainly this, "because antiently most of the business, touching bailment of prisoners for felony or misdemeanors, was performed by the Sheriffs, or special Bailiffs of Liberties, either by writ or *virtute officii* †;" consequently the superior courts had little or no opportunity to commit those abuses, which the statute imputes to the Sheriffs.—With submission to Doctor Blackstone, I think he has fallen into a contradiction, which, in terms at least, appears irreconcileable. After enumerating several offences not bailable, he asserts, without any condition of limitation whatsoever ‡, "all these are clearly not admissible to bail." Yet, in a few lines after, he says, "*it is agreed* that the Court of King's Bench may bail for any crime whatsoever, *according to circumstances of* the case." To his first proposition he should have added, *by Sheriffs or Justices*; otherwise the two propositions contradict each other; with this difference, however, that the first is absolute, the second limited by a *consideration of circumstances*. I say this without the least

* There are three points to be considered in the construction of all remedial statutes;—the old law, the mischief, and the remedy;—that is, how the common law stood at the making of the act, what the mischief was for which the common law did not provide, and what remedy the parliament hath provided to cure this mischief. It is the business of the Judges, so to construe the act, as to suppress the mischief and advance the remedy. *Blackstone* 1. 87.

† 2 Hale, p. c. 128, 136.

‡ Blackstone 4. 296.

intended

intended diſreſpect to the learned author. His work is of public utility, and ſhould not haſtily be condemned.

The ſtatute of 17 *Richard* II. *cap.* 10. in 1393, ſets forth, that "foraſmuch as thieves notoriouſly defamed, *and others taken with the maner*, by their long abiding in priſon, were delivered by charters, and favorable inqueſts procured, to the great hindrance of the people, two men of law ſhall be aſſigned in every commiſſion of the peace, to proceed to the deliverance of ſuch felons, &c." It ſeems, by this act, that there was a conſtant ſtruggle between the legiſlature and the officers of juſtice. Not daring to admit felons *taken with the maner* to bail or mainprize, they evaded the law by keeping the party in priſon a long time, and then delivering him without due trial.

The ſtatute of 1. Richard III. in 1483, ſets forth, that "foraſmuch as divers perſons have been daily arreſted and impriſoned for *ſuſpicion* of felony, ſometime of malice, and ſometime of *a light ſuſpicion*, and ſo kept in priſon without bail or mainprize, be it ordained that every Juſtice of Peace ſhall have authority, by his diſcretion, to let ſuch priſoners and perſons ſo arreſted to bail or mainprize."—By this act it appears that there had been abuſes in matter of impriſonment, and that the legiſlature meant to provide for the immediate enlargement of perſons arreſted on *light ſuſpicion* of felony.

The ſtatute of 3. Henry VII. in 1486, declares that "under colour of the preceding act of Richard the Third, perſons, *ſuch as were not mainpernable*, were oftentimes let to bail and mainprize, by Juſtices of the Peace, whereby many murderers and felons eſcaped, the King, &c. hath ordained, that the Juſtices of the Peace, or two of them at the leaſt (whereof one to be of the *Quorum*) have authority to let any ſuch priſoners or perſons, mainpernable by the law, to bail or mainprize."

The ſtatute of 1ſt and 2d of Philip and Mary, in 1554, ſets forth, that "notwithſtanding the preceding ſtatute of Henry the Seventh, *one* Juſtice of Peace hath oftentimes, by ſiniſter labour and means, ſet at large the greateſt and notableſt offenders, *ſuch as be not repleviſable by the laws of this realm*, and yet, the rather to hide their affections in that behalf, have ſigned the cauſe of their apprehenſion to be but only for *ſuſpicion* of felony, whereby the ſaid offenders have eſcaped unpuniſhed, and do daily, to the high diſpleaſure of Almighty God, the great peril of the King and Queen's true ſubjects, and encouragement of all thieves and evil-doers;—

for

for reformation whereof be it enacted, that no Justices of Peace shall let to bail or mainprize any such persons, which, for any offence by them committed, be declared *not* to be *replevised* or *bailed*, or be forbidden to be *replevised* or *bailed*, by the statute of Westminster the First; and furthermore that any persons, arrested for manslaughter, felony, *being bailable by the law*, shall not be let to bail or mainprize, by any Justices of Peace, but in the form therein after prescribed."—In the two preceding statutes, the words *bailable*, *replevisable* and *mainpernable* are used synonymously * or promiscuously to express the same single intention of the legislature, viz. *not to accept of any security but the body of the offender*; and when the latter statute prescribes the form, in which persons arrested on *suspicion* of felony *(being bailable by the law)* may be let to bail, it evidently supposes that there are some cases, *not* bailable by the law.—It may be thought perhaps, that I attribute to the legislature an appearance of inaccuracy in the use of terms, merely to serve my present purpose. But, in truth, it would make more forcibly for my argument to presume that the legislature were constantly aware of the strict legal distinction between *bail* and *replevy*, and that they always meant to adhere to it †. For if it be true that *replevy* is by the Sheriffs, and *bail* by the higher courts at Westminster, (which I think no lawyer will deny) it follows that, when the legislature expressly say, that any particular offence is by law *not bailable*, the superior courts are comprehended in the prohibition, and bound by it. Otherwise, unless there was a positive exception of the superior courts (which I affirm there never was in any statute relative to bail) the legislature would grossly contradict themselves, and the manifest intention of the law be evaded. It is an established rule that, when the law is *special*, and the reason of it general, it is to be *generally* understood; and though, by custom, a latitude be allowed to the Court of King's Bench, (to consider circumstances inductive of a doubt whether the prisoner be guilty or innocent) if this latitude be taken as an arbitrary power to bail, when no circumstances whatsoever are alledged in favour of the prisoner, it is a power without right, and a daring violation of the whole English law of bail.

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* 2 Hale, p. c. 2. 124.

† *Vide* 2. Inst. 150. 186.—"The word *replevisable* never signifies *bailable*. *Bailable* is in a Court of Record by the King's Justices; but *replevisable* is by the Sheriff."

Selden, State Tr. 7. 149.

The act of the 31st of Charles the Second (commonly called the *Habeas Corpus Act*) particularly declares, that it is not meant to extend to treason or felony plainly and specially expressed in the warrant of commitment. The prisoner is therefore left to seek his *Habeas Corpus* at common law; and so far was the legislature from supposing that persons, (committed for treason or felony plainly and specially expressed in the warrant of commitment) could be let to bail by a single Judge, or by the whole Court, that this very act provides a remedy for such persons, in case they are not indicted in the course of the term or sessions subsequent to their commitmitment. The law neither suffers them to be enlarged before trial, nor to be imprisoned after the time, in which they ought regularly to be tried. In this case the law says, "It shall and may be lawful to and for the Judges of the Court of King's Bench and Justices of Oyer and Terminer, or General Gaol Delivery, and they are hereby required, upon motion to them made in open court, the last day of the Term, Session, or Gaol Delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail; unless it appear to the Judges and Justices, upon oath made, that the witnesses for the King could not be produced the same Term, Sessions, or Gaol Delivery." Upon the whole of this article I observe, 1. That the provision, made in the first part of it, would be, in a great measure, useless and nugatory, if any single Judge might have bailed the prisoner, *ex arbitrio*, during the vacation; or if the Court might have bailed him immediately after the commencement of the term or Sessions.—2. When the law says, *It shall and may be lawful* to bail for felony under particular circumstances, we must presume that, before the passing of that act, it was *not* lawful to bail under those circumstances. The terms used by the legislature are *enacting*, not *declaratory*.—3. Notwithstanding the party may have been imprisoned during the greatest part of the vacation, and during the whole session, the court are expressly forbidden to bail him from that session to the next, if oath be made that the witnesses for the King could not be produced that same Term or Sessions.

Having faithfully stated the several acts of parliament relative to bail in criminal cases, it may be useful to the reader to take a short historical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and since the conquest, all felonies were bailable, till murder was excepted by statute, so that persons might be admitted to bail, before conviction,

conviction, almost in every case. The statute of Westminster says that, before that time, it had not been determined, which offences were replevisable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the Sheriff. It is very remarkable that the abuses arising from this unlimited power of replevy, dreadful as they were, and destructive to the peace of society, were not corrected or taken notice of by the legislature, until the Commons of the kingdom had obtained a share in it by their representatives; but the House of Commons had scarce begun to exist, when these formidable abuses were corrected by the statute of Westminster. It is highly probable that the mischief had been severely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons *. "The iniquity of the times was so great, as it even forced the subjects to forego that, which was in account a great liberty, to stop the course of a growing mischief." The preamble to the statutes, made by the first parliament of Edward the First, assigns the reason of calling it, "† because the people had been otherwise entreated than they ought to be, the peace less kept, the laws less used, and *offenders less punished* than they ought to be; by reason whereof the people feared less to offend;" and the first attempt to reform these various abuses was by contracting the power of replevying felons.

For above two centuries following, it does not appear that any alteration was made in the law of bail, except that *being taken with vert or venison* was declared to be equivalent to indictment. The legislature adhered firmly to the spirit of the statute of Westminster. The statute of 27th of Edward the First directs the Justices of Assize to enquire and punish officers bailing such as were *not bailable*. As for the Judges of the superior courts, it is probable that, in those days, they thought themselves bound by the obvious intent and meaning of the legislature. They considered not so much to what particular persons the prohibition was addressed, as what the *thing* was, which the legislature meant to prohibit, well knowing that in law, *quando aliquid prohibetur, prohibetur et omne, per quod devenitur at illud.* "When any thing is forbidden, all the means, by which the same thing may be compassed or done, ate equally forbidden."

By the statute of Richard the Third, the power of bailing was a little enlarged. Every Justice of Peace was autho-

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* *Selden by N. Bacon*, 182.

† *Parliamentary History*, 1. 82.

ised to bail for felony; but they were expresly confined to persons arrested *on light suspicion*; and even this power, so limited, was found to produce such inconveniences that, in three years after, the legislature found it necessary to repeal it. Instead of trusting any longer to a single Justice of Peace, the act of 3d Henry VII. repeals the preceding act, and directs, "that no prisoner, *(of those who are mainpernable by the law)* shall be let to bail or mainprise, by less than *two* Justices, whereof one to be of the Quorum." And so indispensably necessary was this provision thought, for the administration of justice, and for the security and peace of society, that, at this time an oath was proposed by the King to be taken by the Knights and Esquires of his household, by the Members of the House of Commons, and by the Peers spiritual and Temporal, and accepted and sworn to *quasi unâ voce* by them all, which, among other engagements, binds them "not to let any man to bail or mainprise, knowing and deeming him to be a felon, upon your honour and worship. So help you God and all Saints. *"

In about half a century however even these provisions were found insufficient. The act of Henry the Seventh was evaded, and the legislature once more obliged to interpose. The act of 1st and 2d of Philip and Mary takes away intirely from the Justices all power of bailing for offences declared *not bailable* by the statute of Westminster.

The illegal imprisonment of several persons, who had refused to contribute to a loan exacted by Charles the First, and the delay of *Habeas Corpus* and subsequent refusal to bail them, constituted one of the first and most important grievances of that reign. Yet when the House of Commons, which met in the year 1628, resolved upon measures of the most firm and strenuous resistance to the power of imprisonment assumed by the king or privy council, and to the refusal of bail the party on the return of the *Habeas Corpus*, they did expresly, in all their resolutions, make an exception of commitments, where the cause of the restraint was expressed, and did by law justify the commitment. The reason of the distinction is, that whereas when the cause of commitment is expressed, the crime is then known, and the offender must be brought to the ordinary trial; if, on the contrary, no cause of commitment be expressed, and the prisoner be thereupon remanded, it may operate to perpetual imprisonment. This contest with Charles the First produced the act of the 16th of that king,

* Parliamentary History, 2. 418.

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by which the court of King's Bench are directed, within three days after the return to the *Habeas Corpus* to examine and determine the legality of any commitment by the king or privy council, and to do *what to justice shall appertain* in delivering, bailing, or *remanding* the prisoner.—*Now*, it seems, it is unnecessary for the judge to do what appertains to justice. The same scandalous traffic, in which we have seen the privilege of parliament exerted or relaxed, to gratify the present humour, or to serve the immediate purpose of the crown, is introduced into the administration of justice. The magistrate, it seems, has now no rule to follow, but the dictates of personal enmity, national partiality, or perhaps the most prostituted corruption.

To compleat this historical inquiry, it only remains to be observed that, the *Habeas Corpus* act of 31st of Charles the Second, so justly considered as another Magna Charta of the kingdom* "extends only to the case of commitments for such criminal charge, as can produce no inconvenience to public justice by a temporary enlargement of the prisoner." —So careful were the legislature, at the very moment, when they were providing for the liberty of the subject, not to furnish any colour or pretence for violating or evading the established law of bail in the higher criminal offences. But the exception, stated in the body of the act, puts the matter out of all doubt. After directing the judges how they are to proceed to the discharge of the prisoner upon recognisance and surety, having regard to the quality of the prisoner and nature of the offence, it is expresly added, "unless it shall appear to the said Lord Chancellor, &c. that the party, so committed, is detained for such matters, or offences, for the which, BY THE LAW THE PRISONER IS NOT BAILABLE."

When the laws, plain of themselves, are thus illustrated by facts, their uniform meaning established by history, we do not want the authority of opinions, however respectable, to inform our judgement or to confirm our belief. But I am determined that you shall have no escape. Authority of every sort shall be produced against you, from *Jacob* to *Lord Coke*, from the dictionary to the classic.—In vain shall you appeal from those upright judges, whom you disdain to imitate, to those whom you have made your example. With one voice, they all condemn you.

"To be taken with the *Maner* is where a thief, having stolen any thing, is taken with the same about him, as it were in

* Blackstone, 4. 137.

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his hands, which is called *flagrante delicto*. Such a criminal is *not bailable by law*."—*Jacob, under the word Maner*.

"Those who are taken with a *maner*, are excluded, by the statute of Westminster, from the benefit of a replevin."—*Hawkins. P. C.* 2. 98.

"Of such heinous offences no one, who is notoriously guilty, seems to be *bailable* by the intent of this statute."—*Ditto* 2. 99.

"The common practice, and allowed general rule is, that bail is only then proper where it stands *indifferent* whether the party were guilty or innocent."—*Do. Do.*

"There is no doubt but that the bailing of a person, *who is not bailable by law*, is punishable, either at common law as a negligent escape, or as an offence against the several statutes relative to bail."—*Do.* 89.

"It cannot be doubted but that, neither the judges of this, nor of any other superior court of justice, are strictly within the purview of that statute, yet they will always, in their discretion, pay a due regard to it, and not admit a person to bail, who is expresly declared by it irreplevisable, *without some particular circumstance in his favour*; and therefore it seems difficult to find an instance, where persons, attainted of felony, or notoriously guilty of treason and manslaughter, &c. by their own confession, or *otherwise*, have been admitted to the benefit of bail, without some special motive to the court to grant it." *Do.* 114.

"If it appears that any man hath injury or wrong by his imprisonment, we have power to deliver and discharge him; —if otherwise, *he is to be remanded* by us to prison again." —*Lord Ch. J. Hyde. State Trials.* 7. 115.

"The statute of Westminster was especially for direction to the sheriffs and others, but to say courts of justice are excluded from this statute, I conceive it cannot be."—*Attorney General Heath. Do.* 132.

"The court, upon view of the return, judgeth of the sufficiency or insufficiency of it. If they think the prisoner *in law* to be *bailable*, he is committed to the Marshal and bailed; if not, he is remanded."—Through that whole debate the objection, on the part of the prisoners, was, that no cause of commitment was expressed in the warrant; but it was uniformly admitted by their council that, if the cause of commitment had been expressed for treason or felony, the court would then have done right in remanding them.

The Attorney General having urged before a committee of both Houses, that, in Beckwith's case and others, the Lords of the council sent a letter to the court of King's Bench to bail; it was replied by the managers for the House of Commons, that

that this was of no moment, "for that either the prisoner was *bailable by the law*, or *not bailable*;—if bailable by the law, then he was to be bailed without any such letter;—if not bailable by the law, then plainly the Judges could not have bailed him upon the letter, without breach of their oath, which is, *that they are to do justice according to the law, &c. State Trials.* 7. 175.

"So that, in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, hath been exercised, when it stands *wholly indifferent* in the eye of the court, whether the prisoner be guilty or not." *Selden. St. Tr.* 7. 230, 1.

"I deny that a man is always bailable, when imprisonment is imposed upon him for custody." *Attorney General Heath, do.* 238.—By these quotations from the State Trials, though otherwise not of authority, it appears plainly that, in regard to *bailable* or *not bailable*, all parties agreed in admitting one proposition as incontrovertible.

"In relation to capital offences there are especially these acts of parliament that are the common *landmarks** touching offences bailable or not bailable." *Hale* 2. *P. C.* 127. The enumeration includes the several acts cited in this paper.

"Persons, taken with the *manouvre*, are not bailable, because it is *furtum manifestum.*" *Hale* 2. *P. C.* 133.

"The writ of *Habeas Corpus* is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, if bailable, they are to be bailed; —*if not bailable, they are to be committed.*" *Hale* 2. *P. C.* 143. This doctrine of Lord Chief Justice Hale refers immediately to the superior courts from whence the writ issues.—"After the return is filed, the court is either to discharge, or bail, or *commit* him, as the nature of the cause requires." *Hale* 2. *P. C.* 146.

"If bail be granted, *otherwise than the law alloweth*, the party that alloweth the same, shall be fined, imprisoned, render damages, or forfeit his place as the case shall require." *Selden by N. Bacon.* 182.

"This induces an absolute necessity of expressing, upon every commitment, the reason for which it is made; that the court, upon a *Habeas Corpus*, may examine into its validity, and, *according to the circumstances of the case*, may discharge, admit to bail, or *remand* the prisoner." *Blackstone.* 3. 133.

"Marriot was committed for forging indorsements upon Bank bills, and upon a *Habeas Corpus*, was bailed, because

* It has been the study of Lord Mansfield to remove landmarks.

the crime was only a great misdemeanor;—for though the forging the bills be felony, yet forging the indorsement is not." *Salkeld.* 1. 104.

"Appell de Mahem, &c. ideo ne fuit lesse a baille, nient plus que appell de robbery ou murder; quod nota, et que in robry et murder le partie n'est baillable." *Bro. Mainprise.* 67.

"The intendment of the law in bails is, *quod stat indifferenter* whether he be guilty or no; but, when he is convict by verdict or confession, then he must be deemed in law to be guilty of the felony, and therefore *not bailable at all.*" *Coke.* 2. *Inst.* 181.—4. 178.

"Bail is *quando stat indifferenter*, and *not* when the offence is open and manifest." 2 *Inst.* 189.

"In this case *non stat indifferenter* whether he be guilty or no, being taken with the *maner*, that is, with the things stolen, as it were in his hand." *Do. do.*

"If it appeareth that his imprisonment be just and lawful, he *shall* be *remanded* to the former gaoler; but, if it shall appear to the court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him; if it be *doubtful*, and under consideration, he may be bailed." 2. *Inst.* 55.

It is unnecessary to load the reader with any farther quotations. If these authorities are not deemed sufficient to establish the doctrines maintained in this paper, it will be in vain to appeal to the evidence of law-books, or to the opinions of Judges. They are not the authorities, by which Lord Mansfield will abide. He assumes an arbitrary power of doing right; and, if he does wrong, it lies only between God and his conscience.

Now, my Lord, although I have great faith, in the preceding argument, I will not say, that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning, quibbling attorney might not discover a flaw. But, taking the whole of it together, I affirm that it constitutes a mass of demonstration, than which nothing more compleat or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer in point of defence at the bar of the House of Lords, is worth your consideration. If, after all that has been said, it shall still be maintained, that the court

court of King's Bench, in bailing felons, are exempted from all legal rules whatsoever, and that the Judge has no direction to pursue, but his private affections, or mere unquestionable will and pleasure, it will follow plainly, that the distinction between *bailable* and *not bailable*, uniformly expressed by the legislature, current through all our law-books, and admitted by all our great lawyers without exception, is in one sense a nugatory, in another a pernicious distinction. It is nugatory, as it supposes a difference in the bailable quality of offences, when, in effect, the distinction refers only to the rank of the magistrate. It is pernicious, as it implies a rule of law, which yet the Judge is not bound to pay the least regard to, and impresses an idea upon the minds of the people, that the judge is wiser and greater than the law.

It remains only to apply the law, thus stated, to the fact in question. By an authentic copy of the *mittimus* it appears that John Eyre was committed for felony, plainly and specially expressed in the warrant of commitment. He was charged before Alderman Halifax by the oath of Thomas Fielding, William Holder, William Payne, and William Nash, for *feloniously stealing* eleven quires of writing-paper, value six shillings, the property of Thomas Beach, &c.—by the examinations, upon oath, of the four persons mentioned in the *mittimus*, it was proved, that large quantities of paper had been missed, and that eleven quires (previously marked from a suspicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the same manner, were found at his lodgings; and, after he had been some time in Wood-street Compter, a key was found in his room there, which appeared to be a key to the closet at Guildhall, from whence the paper was stolen. When asked what he had to say in his defence, his only Answer was, *I hope you will bail me.* Mr. Holder, the Clerk, replied, *That is impossible. There never was an instance of it, when the stolen goods were found upon the thief.* The Lord Mayor was then applied to, and refused to bail him.—Of all these circumstances it was your duty to have informed yourself minutely. The fact was remarkable, and the chief magistrate of the city of London was known to have refused to bail the offender. To justify your compliance with the solicitations of your three countrymen, it should be proved that such allegations were offered to you in behalf of their associate, as honestly and *bona fide* reduced it to a matter of doubt and indifference whether the prisoner was innocent or guilty.—Was any thing offered by the Scotch triumvirate that tended

to invalidate the positive charge made against him by four credible witnesses upon oath?—Was it even insinuated to you, either by himself or his bail, that no felony was committed; —or that *he* was not the felon;—that the stolen goods were *not* found upon him;—or that he was only the receiver, not knowing them to be stolen?—Or, in short, did they attempt to produce any evidence of his insanity?—To all these questions, I answer for you, without the least fear of contradiction, positively, NO. From the moment he was arrested, he never entertained any hope of acquittal; therefore thonght of nothing but of obtaining bail, that he might have time to settle his affairs, convey his fortune into another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the Lord Chief Justice of England most readily and heartily concurred. At the sight of so much virtue in distress, your natural benevolence took the alarm. Such a man as Mr. Eyre, struggling with adversity, must always be an interesting scene to Lord Mansfield.—Or was it that liberal anxiety, by which your whole life has been distinguished, to enlarge the liberty of the subject?—My Lord, we did not want this new instance of the liberality of your principles. We already knew what kind of subjects they were, for whose liberty you were anxious. At all events, the public are much indebted to you for fixing a price, at which felony may be committed with impunity. You bound a felon, notoriously worth thirty thousand pounds, in the sum of three hundred. With your natural turn to equity, and knowing, as you are, in the doctrine of precedents, you undoubtedly meant to settle the proportion between the fortune of the felon, and the fine, by which he may compound for his felony. The ratio now upon record, and transmitted to posterity under the auspices of Lord Mansfield, is exactly one to an hundred.—My Lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indulgence of their passions, they have an eye to the expence, and if their other virtues fail us, we have a resource in their œconomy.

By taking so trifling a security from John Eyre, you invited and manifestly exhorted him to escape. Although, in bailable cases, it be usual to take four securities, you left him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him neither justifies your conduct, nor can it be any way accounted for, but by his excessive and monstrous avarice. Any other

other man, but this bosom-friend of three Scotchmen, would gladly have sacrificed a few hundred pounds, rather than submit to the infamy of pleading guilty in open court. It is possible indeed that he might have flattered himself, and not unreasonably, with the hopes of a pardon. That he would have been pardoned seems more than probable, if I had not directed the public attention to the leading step you took in favour of him. In the present gentle reign, we well know what use has been made of the lenity of the court and of the mercy of the crown. The Lord Chief Justice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother *Smythe* brow-beats a jury, and forces them to alter their verdict, by which they had found a Scotch serjeant guilty of murder; and though the Kennedies were convicted of a most deliberate and atrocious murder, they still had a claim to the royal mercy.—They were saved by the chastity of their connexions.—They had a sister,—yet it was not her beauty, but the pliancy of her virtue that recommended her to the King.—The holy author of our religion was seen in the company of sinners; but it was his gracious purpose to convert them from their sins. Another man, who in the ceremonies of our faith might give lessons to the great enemy of it, upon different principles keeps much the same company. He advertises for patients, collects all the diseases of the heart, and turns a royal palace into an hospital for incurables.—A man of honour has no ticket of admission at St. James's. They receive him, like a virgin at the Magdalen's;—*Go thou, and do likewise.*

My charge against you is now made good. I shall however be ready to answer or to submit to fair objections. If, whenever this matter shall be agitated, you suffer the doors of the House of Lords to be shut, I now protest, that I shall consider you as having made no reply. From that moment, in the opinion of the world, you will stand self-convicted. Whether your reply be quibbling and evasive, or liberal and in point, will be matter for the judgment of your peers;—but if, when every possible idea of disrespect to that noble House, (in whose honour and justice the nation implicitly confides) is here most solemnly disclaimed, you should endeavour to represent this charge, as a contempt of their authority, and move their Lordships to censure the publisher of this paper, I then affirm that you support injustice by violence, that you are guilty of a heinous aggravation of your offence, and that you contri-

bute your utmoſt influence to promote, on the part of the higheſt court of judicature, a poſitive denial of juſtice to the nation.

JUNIUS.

To the Right Honourable Lord CAMDEN.

MY LORD,

I Turn with pleaſure, from that barren waſte, in which no ſalutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification, I call upon you, in the name of the Engliſh nation, to ſtand forth in defence of the laws of your country, and to exert, in the cauſe of truth and juſtice, thoſe great abilities, with which you were entruſted for the benefit of mankind. To aſcertain the facts, ſet forth in the preceding paper, it may be neceſſary to call the perſons, mentioned in the *mittimus*, to the bar of the Houſe of Lords. If a motion for that purpoſe ſhould be rejected, we ſhall know what to think of Lord Mansfield's innocence. The legal argument is ſubmitted to your Lordſhip's judgment. After the noble ſtand you made againſt Lord Mansfield upon the queſtion of libel, we did expect that you would not have ſuffered that matter to have remained undetermined. But it was ſaid that Lord Chief Juſtice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was ſuppoſed to make againſt you; and we admit of the excuſe. When ſuch deteſtable arts are employed to prejudge a queſtion of right, it might have been imprudent, at that time, to have brought it to a deciſion. In the preſent inſtance you will have no ſuch oppoſition to contend with. If there be a judge, or lawyer of any note in Weſtminſter-hall, who ſhall be daring enough to affirm that, according to the true intendment of the laws of England, a felon, taken with the *maner*, *inflagranti delicto*, is bailable; or that the diſcretion of an Engliſh Judge is merely arbitrary, and not governed by rules of law,—I ſhould be glad to be acquainted with him. Whoever he be, I will take care that he ſhall not give you much trouble. Your Lordſhip's character aſſures me that you will aſſume that principal part, which belongs to you, in ſupporting the laws of England againſt a wicked Judge, who makes it the occupation of his life, to miſinterpret and pervert them. If you decline this honourable office, I fear it will be ſaid that, for ſome months paſt, you have kept too much company with the Duke of Grafton. When the conteſt turns upon the interpretation

terpretation of the laws, you cannot, without a formal surrender of all your reputation, yield the post of honour even to Lord Chatham. Considering the situation and abilities of Lord Mansfield, I do not scruple to affirm, with the most solemn appeal to God for my sincerity, that in *my* judgment, he is the very worst and most dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to punishment. But mine is an inferior, ministerial office in the temple of justice.—I have bound the victim, and dragged him to the altar.

JUNIUS.

To the worthy LIVERYMEN *of the City of* LONDON.

Guildhall, Jan. 21, 1772.

GENTLEMEN,

THE dignity of the office, which your favour conferred upon me, forbids my engaging in a news-paper controversy, begun in a most unbecoming manner, and carried on with little argument, but much indecent passion, by such men as Mr. Robert Holloway, Mr. W. F. Jackson, and Mr. James Stephen. The gross personal abuse, with which the press has spawned for many weeks, I regarded with contempt; but the strong desire I feel at all times to give you the fullest information of my public conduct, and of the faithful execution of those powers, with which I am entrusted, will not suffer me any longer to remain silent, or to leave their calumnies unrefuted.

I am accused of violating the laws by permitting the bailiffs to apprehend persons, for debt, and afterwards continuing them in prison, by the authority of my office. The charge against me personally is highly aggravated by these men from the circumstance of my having formerly stood forth in defence of the personal rights of the subject against *General Warrants*, and the frightful picture of the cruel confinement of many objects, now languishing in prison for debt by my abuse of power, thence receives a very deep and black colouring, and indeed from the contrast becomes the more striking and tragically alarming. The present complaint however is not an ingenious discovery first broached in my Sheriffalty, nor has the question of the unlawfulness of imprisonment for debt been started as a new matter of debate and uncertainty since I was sworn into office. In November,

vember, 1770, the merits of the case on the petition of these men were argued before the Judges of the Court of King's Bench. They were unanimous in the opinion, that the *law of the land* justified imprisonment for debt, and then remanded to prison a debtor, who was brought before them by Habeas Corpus on purpose to try this very question. At the same time they pointed out to the unhappy prisoners the only possible relief they could receive, an application to parliament for the alteration of the laws now actually in force respecting debtors. I have not heard that any such application has yet been made, or that my predecessors in office were served with actions for false imprisonment, because they obeyed the customary writs of a superior Court of Justice. The question was long agitated, and in a variety of shapes, but that litigious mode of proceeding was deferred to the year of my Sheriffalty, by the subtle contrivance of a wicked and vindictive Administration. It was reserved as a mark of vengeance against me, the devoted victim of their malice. I do not intend, Gentlemen, at your fair and impartial bar to avail myself of the plea, that if I had taken upon me to release all debtors in this city and county, imprisoned by the ancient process of law, I should have been liable to innumerable actions for escapes, and to the payment of their respective debts. I despise the cowardly meanness of such a defence. I have never shrunk from any danger in the support of the laws of my country. But I aver that upon a close examination of the statute law of this kingdom, the deliberate judgment of one of our superior courts of justice, and the private opinion of the soundest lawyers, whom I consulted, I thought it my duty to direct the usual warrants to issue in my name, as a ministerial officer of law. I could not think myself justified, from a motive of compassion, which in every case of distress I feel, but in this had no right to indulge, if I had ventured to commit a manifest injury against a great number of creditors, who were pursuing the accustomed course of actions at law for the recovery of their property. I was not to decide on the wisdom or equity of the law. My province was to obey, when it appeared clear and certain. My brother Sheriff, than whom Freedom has not a firmer friend, agreed with me in opinion of the law, as it now stands, and of the duty of our office. The sentiments of the whole legislative body on this subject have been demonstrated from time to time by the frequent acts for the *Relief of Insolvent Debtors*, one of which passed in this parliament. Although an infamous majority in the House of Commons robbed the

Free-

Freeholders of Middlesex of their right of representation, and of consequence deprived me of the satisfaction of giving my vote for so merciful an act. I rejoiced that the rigour of the law was mitigated by the interposition of parliament. I hope that such an act will soon pass to operate regularly at stated, short periods, under certain restrictions, or that we shall have an entire, new code of laws, respecting debtors, to reconcile the rights of a free people, with the interests of the most commercial country in the world. Yet while the law remains in its present state, I think it incumbent on a good subject not to obstruct its operations, but to yield a ready obedience.

The words of the Great Charter I hold sacred, "No Freeman shall be taken, or imprisoned, or be dssieised of his freehold, or liberties, or free customs, but by lawful judgment of his peers, or by the law of the land," and permit me to assure you, that, while I continue in office, through the extent of the jurisdiction you have assigned to me, no person shall suffer an illegal imprisonment. I acknowledge no authority but what is founded on the laws and the constitution. As a private man, I was engaged for many years in an important struggle for the liberty of the subject against the great officers of the crown. It was at length terminated by the annihilation of the power, which they had usurped. I am at this time armed with your authority to withstand every encroachment on the personal rights and privileges of my fellow subjects in this city and the county of Middlesex. They shall therefore now find relief in the most effectual and summary way. I should blush, if any person suffered an injury, which I had the power but wanted the spirit, to redress. If illegal violence shall be exercised, I will oppose it with vigour, should the usurpation originate from any man, or body of men, however respectable, or be supported by any power, however formidable. The law alone shall determine on the liberty of each individual, nor shall the wanton caprice of a wretched set of despotic ministers sport with the imprisonment of their equals, the Freemen of this land. A very short period shall be put to such lawless oppression. I am happy in the hearty concurrence of my worthy colleague, with respect to the whole plan of future conduct. We rest in an entire confidence that we shall experience your steady support in the due execution of our office. On my own part I firmly promise, that through life I will continue the guardian of the laws, and the friend of the people. The same arbitrary faction, who the last winter trampled on the privileges

of

of the nation, and the franchises of the capital, still continuing in power, and this day being to resume their baneful and dangerous deliberations, we may soon expect a like atrocious invasion of our rights. Prudence therefore calls loudly upon us to unite and prepare for a defence of whatever is most dear to us as men, as Englishmen, against these common enemies of our liberties. I am sure you will not be wanting to your own honour and security, to the glory of your ancestors, and the welfare of your posterity. In your Sheriffs you will find men determined to serve you with fidelity and spirit, and zealous to obey the commands of the Livery of London.

I am, Gentlemen, &c.

JOHN WILKES.

HOUSE *of* LORDS *of* IRELAND.

Die Mercurii 18 *die Decembris* 1771.

A MOTION was made by the LORD VISCOUNT MOUNTMORRES, that an humble address be presented to his Majesty, representing, that it is the opinion of this House, that the appointment which his Majesty has been advised to make, of five Member of Parliament, to examine and pass certain of the accounts of this kingdom, with the powers specified in his Majesty's letters, dated the 31st of October, 1771, the present circumstances of this country being considered, is unnecessary and inexpedient, and praying that his Majesty will be graciously pleased to direct his Attorney-General, to cause the legality of said appointment to be tried according to due course of law.

It passed in the negative.

Dissentient,

1st, Because we conceive that the appointment of five new commissioners for examining and perfecting the impressed or extraordinary accounts of this kingdom, is UNNECESSARY, inasmuch as the ancient commissioners appear to have been deemed sufficient for some centuries past, and to have been so held by his Majesty's ministers in both kingdoms at his accession; and even at a later period, viz. in 1766, when his Majesty's last appointment of the said commissioners was made, requiring them to state and examine all the public accounts four times, instead of once in the year; since which time it cannot be pretended that any increase in that department, or in the other public occupations of the said commissioners, hath arisen, to require such a new establishment as that in question; and we think it might imply an unmerited censure on the eminent persons who at present constitute the

antient

antient commission, if the necessity of such new arrangement were now, for the first time, to be discovered and admitted.

2ndly, Because it is to be presumed, if the old board had not been deemed by his Majesty's ministers to be fully sufficient, that they would not have rendered it less so, by suffering it to be deprived of one of its members, viz. *the Chancellor of the Exchequer*, who doth not reside in this kingdom, nor execute any part of the duty of that office; and we conceive, if any insufficiency in the old board could reasonably be alledged, in consequence of the avocations of the other great officers of the law, who compose it, that it might and ought to be remedied, by ordering the chancellor of the exchequer to attend, whereby instead of loading this country with a new expence, the salary of that office would circulate within this kingdom; whereas now it is expended abroad.

3dly, Because the necessity of this appointment, if any, must arise either from the arrear of unpassed accounts heretofore incurred, and which is the only argument we have heard in support of this new establishment, or it must arise from the nature and extent of our accounts respecting the future. Now, first, we conceive that the new commissioners are directed to call before them, not such persons as *have*, but such as *shall* receive any sum or sums by way of imprest, that is, to act for the future, and not for the past, and that therefore the necessity of these new commissioners cannot be maintained on the ground of an arrear, which they are not directed to examine and settle: moreover, we think, that even if they were to have a retrospect, it is utterly absurd to establish a permanent board for all time future, for the occasional purpose of settling an arrear incurred in time past; a temporary appointment being sufficient for such a temporary office, whereby the expence to the public would cease with the occasion which produced it. Again, as to our accounts in future, we think it cannot be denied, that one Board of Commissioners of accounts would be sufficient to discharge the whole business, if properly constituted; now, either the old board is so constituted, or it is not; if it is so constituted, it is sufficient, and another is unnecessary; if it is not so constituted, either it ought to be corrected, if capable of being rendered sufficient, or if incapable thereof, it ought to be abolished by due authority; and one board properly regulated and sufficient, substituted in its room; whereas the present measure of government is to do neither; for it is to continue the old Board in its antient form, when, if it is insufficient, is absurd; and to add another

to do part of its duty, which is absurd, if it be not insufficient. It proposes, in a word, not that we should have one board properly regulated and sufficient, but that we should have two, each of which shall be so contrived as to be at least separately inadequate, and that not for the purpose of the one being a check and controul on the other, but wholly independent and distinct, which can be productive of evil consequences only, as we apprehend, without one benefit.

4thly, Because we think it to be INEXPEDIENT, inasmuch as no new expence that can be avoided, ought to be incurred, at a period, when from the growing difficulties of the public, the wisdom of parliament hath found it necessary, both in the sessions of 1769, and in the present session, to reduce very considerably, the sum usually expended on the internal improvement of the kingdom, and towards the support of its great charitable foundations; when, notwithstanding such a retrenchment, government was obliged to borrow in the two last years 130,000l. in aid of the general revenue; when the next two years seem to threaten a still greater encrease of national debt, the commons have deemed it necessary to vote in this session, a loan of 200,000l. in aid of the general revenue, for the ordinary service of the two years ensuing; when his majesty's revenue, by decay of trade, and credit is declining, when notwithstanding this country is more heavily burthened in proportion to her ability than Great Britain: and, notwithstanding that the taxes of this kingdom exceed in their annual amount the whole circulating specie of the nation, yet the expence of the public is greatly superior to the revenue thereof. Even though the latter should rise again to as high an amount as it hath reached, at any period heretofore, which we cannot promise to ourselves at present that it will; when, unless, instead of encreasing, we shall diminish, the public charges, this kingdom will incur a larger debt, in a few years of profound tranquility, than it contracted during the whole of the late war, in which, this country undertook a larger share of expence, than ever it had done in any war before: and when the speech from the throne this session of parliament, hath stated so emphatically the necessitous condition of this kingdom, and hath dictated economy in such alarming terms.

5thly, Because it appears, that at so late a period, as in the year 1757, the whole expence of the public in the article of commissioners of accounts amounted only to 360l. which expence, since that time, principally by the innovation of quarterly,

terly, instead of annual accounts, hath increased to seven times that sum, without any advantage to the public therefrom, as we apprehend—and which, in consequence of this new establishment, will at the lowest estimate be augmented upon the whole, in more than a twenty fold proportion — and that in a season of public distress, and of accumulating debt; whereas, in the first-mentioned period, this nation having recently discharged the whole capital of its antecedent debt, was free from all incumbrance whatsoever, and in a prosperous and rising condition:—wherefore we humbly conceive, that it would be more seasonable and expedient to reduce this article of the public charge, than to encrease it; and that nothing can be more preposterous in this light, than the present proposition, by which this new board of inferior commissioners, for taking a very small portion of the public accounts, will cost the kingdom, on the most moderate calculation, above *sixteen* times the sum, which was paid in 1757, to the antient commissioners for the whole accounts of the nation.

6thly, Because we conceive, that as any two of the said five commissioners are authorised by these letters, to exercise all the extensive and singular powers vested thereby in the said commissioners, great inconveniences, and much confusion may follow therefrom; and that contradictory orders may be issued, each signed by two of the said commissioners, without any apparent precedence, or ground of preference, in the one order over the other, whereby the persons required to obey the same, may regulate their conduct, or be able to ascertain, which they are to regard.

7thly, Because, we conceive, if any encrease of expence in this department were at all expedient, or admissible, that the public interest would require, that the same should be incurred rather by a moderate addition of profit to the antient commissioners, than by the creation of new ones, for many weighty reasons, and especially for that, by multiplying unnecessary offices, the undue influence of the crown must be extended; for which purpose alone this appointment seems to us, indeed, to have been calculated; whether we consider that signal mismanagement and mal-administration, which hath rendered the arts of intrigue and corruption more than usually requisite, to counteract the force of just and national indignation; or whether we consider the persons appointed to these offices, who, instead of being selected from amongst those who have had public opportunities of testifying their peculiar fitness for, and experience in, the department of the national accounts; have been all taken, without a single

 exception,

exception, from amongst the representatives of the people.

8thly, Because we wish that the validity of the letters patent in question to be brought to trial, inasmuch as we apprehend that the same are illegal, for that the court of Exchequer is a court of antient jurisdiction for the purpose of hearing and determining all matters of account and revenue, with sufficient officers and powers for adjusting and determining the same, and for recovering all such balances as may appear to be due thereon; in which court all questions of legal doubt, must be decided by the barons who know the law; and all questions of fact, by the constitutional trial by jury. And we conceive, that the executive power cannot, at this day, consistently with the laws of the land, appoint any new judicature; nor any person or persons whatsoever, save only the ancient judges and officers of the said court, to hear and determine any matter or matters incident to the jurisdiction thereof; or to exercise any powers which may interfere with the said jurisdiction. But the five new commissioners of accounts, appointed by his majesty's letters patent, bearing date the 31st of October 1771, or any two or more of them, are authorised by said letters,—" To call before them, once in every year, the Master of the Ordnance, the Clerks and Receivers of Fines and Casualties, the Treasurer of the Barrack Board, or Board of Works, and every accomptant and accomptants, whose accounts, by virtue of any former commission, the said commissioners or others exercising or occupying their places, were required and authorised to examine, except the accounts of the Vice Treasurer and Receiver, or Receiver General, and the Treasurer at War, or Paymaster General, to call before them all such persons who shall, or may, from time to time, receive any sum or sums of money, by way of imprest, either by warrant or order of government for his majesty's service, to exhibit to the said commissioners all such accounts, books, certificates, warrants, bills, and muniments whatsoever, as shall touch or concern the charge or discharge of the said accounts remaining in their hands or custody, or remaining in the hands, custody, or possession of any of his majesty's officers or ministers within this kingdom; and them, and every of them, by all ways and means they possibly can, to peruse, cast up, try, and examine; and upon trial, examination, and perusal thereof, to make full, perfect, and just accounts or declarations of the account containing briefly the sum and substance thereof in charge and discharge, as hath been heretofore used, the said several accounts to be fairly engrossed, in two parts, and by the said commissioners, or any two or more

more of them, ſigned and vouched, the one part to remain of record in the court of Exchequer there, and the other part to be delivered to the parties accountable, and to be to them, and every of them, their heirs, executors, and adminiſtrators, againſt the king, his heirs and ſucceſſors, a ſufficient warrant and diſcharge; and the ſaid commiſſioners, and every of them, are required to have ſpecial regard, that all ſuch petitions and demands as ſhall be by them allowed, have good and probable reaſons to maintain and prove the ſame, provided always that the ſaid parts of the ſaid account ſo as aforeſaid, to be delivered by the ſaid commiſſioners, or any two or more of them, ſo ſigned and delivered, ſhall not exonerate or diſcharge the ſaid accountants, or any of them, their heirs, executors, or adminiſtrators, of any ſuch debts, as ſhall be by the ſaid commiſſioners, or any two or more of them found due; and by the ſaid accomptants owing upon their ſaid accounts, until ſuch time as the ſaid accountants, and every of them, ſhall firſt take order with the king, for payment thereof, either by inſtallments or otherwiſe, as to the ſaid commiſſioners, or any two or more of them, ſhall be thought meet and convenient." Which ſaid powers of allowing petitions and demands, and granting diſcharges to accomptants, we conceive will amount to a determination of matters incident to the juriſdiction of the ſaid court of Exchequer, and will alſo eſſentially interfere with the ſaid juriſdiction, inaſmuch as accomptants, having obtained ſuch diſcharges, will not, according to the tenour of the ſaid patents, be obliged to render any account to the ſaid court of Exchequer; but may, if the proviſion of the ſaid patents ſhall be conſidered as valid, plead ſuch diſcharges in bar of any account, demanded of them before the ſaid court. We further apprehend, that the ſaid new commiſſioners, conſtituted with the aforeſaid powers, are a new judicature, notwithſtanding any patents that have heretofore been granted to commiſſioners of accounts in this kingdom, inaſmuch as all ſuch former patents muſt, if legal, have been founded either in the ſtatute of the tenth of Henry the 7th chap. 1, or in the common law, which is common uſage; now, ſo far as the ſaid ancient patents may have been founded on the ſaid ſtatute, they can be no authority or example for the preſent patents, which do in no ſort purſue that ſtatute; and if in any part they were founded in common uſage, the uſage muſt be taken entire: now it has been at all times a part of that uſage by ſuch patents to grant the commiſſion for taking accounts to the barons of the Exchequer, and certain great officers of the law for the time being,

and

and that without any tenure, but as incident to their respective offices, whereas the new commissioners are granted for a tenure during the king's pleasure, to persons unskilled in the law, altogether independent of, and unconnected with the said court of Exchequer, contrary to every appearance of old usage, as well as to the spirit of that excellent statute of the 5th of Richard the 2d, which enacts, that no baron of the Exchequer, clerk of the pipe, apposer clerk, of the foreign summonses, auditors, or other chief officers of the Exchequer, should be made, unless he be well learned in the law, or otherwise very skilful in the courses and usage of the Exchequer; WE therefore apprehend, that the said former patents, if founded in the said statute of Henry VII. can be no example of these new patents, which are not founded therein, nor can the same, if founded in usage, be any precedent of patents, which essentially differ from the usage observed therein. Neither do we conceive that there is a power in the crown of destroying, dividing, or altering the ancient offices established by law.

9thly. Because there are, in the said Court of Exchequer, certain ancient clerks or officers called Auditors of Imprest, whose duty it is to take all foreign and imprested accounts, and to perfect the same; and we conceive, that all such matters touching the said accounts as are ministerial, may be well and effectually transacted by the said officers, and do of right belong to their office;—so that the institution of new commissioners of accounts, so far as they are ministerial, is at least superfluous; and so far as they are judicial, is, we conceive, manifestly illegal.

10thly. Because the said new commissioners, or any two of them are impowered by the said letters patent, to give and allow, at discretion, to any person or persons employed in or about the said accounts, or in any thing concerning the same, such sum or sums of money, or other recompence as to the said commissioners shall seem meet and convenient.—And we apprehend, that to delegate such a discretionary power, over the revenue, to any persons whatsoever, is repugnant to the first principles of law, and of most dangerous example.

11thly. Because we conceive, that whatever new institution, tends to the disquietness, mischief, and delay of the subject, and is no advantage to the king, is therefore against law.—But this new institution appears to us manifestly to tend to the disquiet, mischief, and delay of the subject, in as much as it requires persons to account before commissioners,

who

who are not bound by any oath to adminiſter juſtice impartially or according to law—neither have they any certain rules of law, or approved uſage, by which to govern their proceedings; neither is their court to be open at all times, for receiving accounts, and regularly diſpatching the ſame, they being only authorized to take accounts once in every year.—And the ſaid inſtitution appears to us on the other hand to contribute in no ſort to the advantage of the king, but on the contrary, to the manifeſt injury of his revenue, inaſmuch as no power is given to the ſaid commiſſioners to examine any accountant upon oath; neither as we conceive is there, or could there be, any power granted to them by the ſame patent, to enforce the appearance of any accountants, or others, nor to examine any perſons, nor parties to the ſaid accounts; nor to puniſh for any forged receipts, or other frauds; nor in any wiſe, to compel payment of any balance that may appear to be due, and alſo inaſmuch as the ſaid commiſſioners, are authorized at their pleaſure, to permit accountants to diſcharge their balances by inſtallments; whereas by the courſe of the Exchequer, according to the oaths of the barons, and of the old law of the land, none of the king's debts, were to be put in reſpite, or payment thereof allowed to be poſtponed, where the ſame might be goodly levied:—From all which we draw this general concluſion, that this novel courſe, tendeth to the diſquietneſs, miſchief, and delay of the ſubject, is no advantage to the king, and therefore is againſt law and ought not to be allowed.

12thly. Becauſe the ſaid new commiſſion doth under the general words of the Receivers of the King's Fines and Caſualties, ſeem to draw all ſheriffs from the ſaid court of Exchequer, to account before the ſaid commiſſioners; whereas the ſaid ſheriffs are bound by their oath, their office, and the law of the land, to account in the Exchequer, and there only, and the ſubjecting them to any other juriſdiction would be a manifeſt grievance to them and to the public.

13thly. Becauſe we conceive it of the moſt dangerous tendency to Great Britain, as well as to this kingdom, that the ſyſtem of juriſprudence, and the rights and powers of the great courts of juſtice, which are the ſame in both countries, ſhould be violated in either: For that in the preſervation thereof alone, our liberties can be ſecure—as by every encroachment thereon in former times, the public freedom hath

been

been brought to the brink of ruin, and the pillars of the constitution shaken to their foundation.

LEINSTER	SYDNEY
WESTMEATH	LONGFORD
SHANNON	KNAPTON
LANESBOROUGH	POWERSCOURT
LOUTH (per proxy)	BELLAMONT
MOIRA	MORNINGTON
MOUNT CASHELL	WANDESFORD
CHARLEMONT	MOLESWORTH
LISLE	BECTIVE
BALTINGLASS	MOUNTMORRES

Parliamentary Proceedings of IRELAND *continued.*

The following speech was made by Sir Lucius O'Brien, on Wednesday the 11th inst. when the motion for a resolution concerning the new board of accounts came on in the house.

Sir George Macartney (the leader of the flock) opened the debate; and was seconded by Mr. A. Malone, who spread an universal languor through the house by a heavy, sleepy, and cold oration, coldly delivered, and coldly received—He was answered by Sir Lucius O'Brien.

The SPEECH of Sir LUCIUS O'BRIEN.

"I HAVE frequently experienced that there are certain speakers, whose oratorical powers have such a peculiar turn and effect, that they fairly lull the audience into a lethargy; that they throw an impenetrable mist over the mind; and instead of rousing the ear which listens to them, cover it with drowsiness and torpitude. Of this melancholy race, is a certain honourable gentleman, whose humming periods still murmur in my ear. Such soporific qualities are infectious: the debate is hardly begun, and yet the house already yawns from side to side: and, for my own part, I confess, that tho' my heart now beats with every honest sentiment that the love of my country can inspire, I fear I shall scarce find animated language to express them.

"My opinion of the resolution for a new board of accounts may be given in a few words. I detested it from the beginning, and I still detest it. I have pondered, examined, canvassed every reason, every argument that has been adduced in its favour, with the utmost candour and impartiality; I have read the pleadings of its advocates: heard the opinions

of its abettors, and honestly weighed them in my own mind, —yet still, still I detest it. I confess, had I no other motive for declaring against it, than that it is a brat begot by the avowed leaders of corruption and venality, I should be startled, and ready to take the alarm;—from the known depravity of the parents, I should be apt to suspect the bastard was tainted with contagion and hereditary evil: but, exclusive of these motives, the nature of the offspring marks from whence it came; it is rash, choleric, and desperate, like the dark minds which gave it birth.

"This motion is big with mischief, and I see it. In the name of sound policy, what have we to do with a board of accounts? It is now thought necessary to become so very circumspect in the auditing and settling the public accounts, have we not a committee of accounts in this house, who can manage the whole business, and reduce it into distinct channels and departments, by a little extraordinary application? What occasion is there then for a new accession of expence to our national debts, or for any new addition to that weight which always makes us to stoop to the earth?—But it is pleasant to observe the sudden inclination these gentlemen have taken to serve their country. They are anxious, very anxious for the safety of the public monies—the public revenues—the public interest.——Oh—they are afraid the estimates are not properly stated, the accounts are not exactly settled!——Confusion! do they not blush when they speak these things? But we see through the flimsy deceit—Alas! gentlemen, for whose sake are these things so? If the public accounts are confused who are the confusers? If the public coffers have been robbed who are the robbers? If the public interest has been lavishly squandered in superfluities, who have been the prodigals?—Take my word for it, if the public money had been applied only to public purposes, there had been now no need of a motion for creating a new board of accounts to bribe knaves, and to glut parasites.

"Our accounts have been examined for a long series of years by commissioners appointed for that purpose, with the assistance of one or two clerks. So far as it was in their power to give satisfaction, they have given it. But the mischief arises from another source. If peculation has been committed, it took its rise in recesses where they had no power to search for it. "Well, (replied these virtuous gentlemen of the court) granting that, our new board will obviate these objections, and remedy all grievances, by the full power invested in its commissioners to send for persons, papers, and re-

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cords, and to search into every office and department for information."—Ridiculous argument! as if every one does not know, that a viceroy will have only to say to these boasted commissioners, "Say this"—and behold they say it—"Do this"—and behold they do it.

"But worse still remains behind. Our new board will cost us some money. Four of you, gentlemen zealous as ye seem to be for the public good, anxious as ye are for the public œconomy, will not fill up the places of these commissioners without being paid for it: ye will not cast up accounts for nothing: therefore we are told that four commissioners are to have a yearly salary of five hundred pounds each. A fifth man will not take the trouble of sitting at the head of the board, without an additional gratuity: therefore we are told a president is to have eight hundred pounds per annum. These must have a secretary, clerks, porters, and all other little vermin that usually crawl about in public offices, devouring whatever they can touch. There must be also an office, &c. to do the business of corruption in; and all these together will throw an annual weight of nine or ten thousand pounds into the scale of the national debt.—But all this is nothing to men who are accustomed to plunder. Shame on it! ye mercilefs law makers: look round ye, and see to what state you have already reduced your country and countrymen—the former successful in nothing but in accumulating debts and additional taxes, is daily losing its trade and squandering its revenue; whilst the latter wander about their own fair fields in beggary and wretchedness, without linen or shoes, and crouching to their Egyptian task masters, who first enslave them, and then starve them.

"But let these gentlemen remember, that even the wicked, though they flourish for a time, will have a period. A day of reckoning will come, and then let those tremble, who ought to tremble. In the mean time pursue your own ways, and follow the tract that is cut out for you. If we find that the crown has not already too much assumed power, that our liberties are not too much encroached upon, that our country is not too much burdened, and that your fellow islanders are not too much depressed and harrassed—if ye find that these things are not so, why then, in God's name, vote for the motion: and as ye deal in the business according to your consciences, even so may God deal with you!—As to myself, I desire the same judgment, and therefore vote against the motion."

Sir

Sir Lucius O'Brien was answered by Mr. Fortescue, who got up and spoke as follows:

Mr. FORTESCUE's Reply..

"The Honourable member who spoke last said so many strange things, that I cannot think he was in earnest. He was too violent to be candid, too warm to be judicious: his eloquence bursts upon us like a flash of lightning, and like that too expires. I appeal to this Honourable House for the truth of what I assert: The gentleman would do well therefore to inform us, *upon his honour*, whether he spoke *seriously* or not.

"I think I have examined the object of this motion as candidly and as impartially as the angry gentleman who spoke last; but I do not see the horrors, the mischiefs that it is said to be pregnant with. On the contrary, it is replete with those obvious advantages, and that well digested policy which ought to recommend it to every true friend to his country. The Honourable Member who opened the debate enumerated the advantages which would result from this resolution in so masterly a manner, as ought to convince all those who were not resolved to be deaf to conviction. It was but doing justice to yourselves as well as to your country, to let the *necessity* of the measure plead for it in opposition to every argument that could be adduced against it. For Heaven's sake be consistent, gentlemen, and all opposition to this motion will soon fall to the ground. Are ye not continually ringing in our ears, from day-to-day, from session to session, that the public money is either embezzled or misapplied, that it is squandered away for private or corrupt purposes, and that it escapes from the public treasury, nobody knows how or whither? And do ye now violently oppose the only measure that is capable of preventing its being embezzled or misapplied, of its being squandered away for private purposes, and of its escaping from the treasury?—For shame! gentlemen, if ye are patriots, be consistent; add not the folly of inconsistency to the sin of hypocrisy.

"True it is, however, that our money-list has been much neglected. Upwards of threescore years have passed since our accounts have been thoroughly inspected and regulated; and, unless prevented by the interpositions of this salutary scheme, threescore more may glide away, and leave them still involved in confusion and errors. Those stewards have an ample field to plunder in, whose books are never examined by a master's eye; and what will not villains attempt, when the terror of chastisement is removed from before their eyes. If the stewards of our revenues have been hitherto restricted by no con-

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troul; what reason have we to expect that they will be more honest, more virtuous, more temperate, than their neighbours on the other side of the channel?—Your Committee of accounts, of whom you talk so vauntingly, are two feeble props under so weighty a burden. However great their abilities and inclination for so important a task, their powers are too much restricted, and their time too limited, almost the whole of it being necessary to perform the functions of the high offices* which they judiciously fill. To remedy all these evils, only one scheme was practicable, viz. the creation of a new Board of Commissioners; and that one ye have opposed. Is this acting like patriots?——Once more I tell you, ye are inconsistent.

"I know some of you will lay hold of that stale argument, that the creation of new officers is an extention of the Royal Prerogative, and an accession of strength and power to the Crown. I anticipate this argument, because I know it will be lugged in with the usual aukwardness and impropriety. Frivolous assertion! as if the King was not the judge of his own thoughts, the master of his own counsels. Were the King's natural rights and power to be restrained by your limitations, to what would you reduce him?—Am not I the master of my own house? And do not you chuse what servants you please? And will you snatch from the King a common general liberty which the meanest of his subjects enjoy? This would be throwing your chains over him with a vengeance, and converting him into the puppet of your wayward humours. It would be plucking the sceptre out of his hand, and forcing him to kneel at his own footstool.

"Those gentlemen who stile themselves patriots have been very liberal of their abuse to another set of men whom they stile courtiers. But we need not be surprised, that those who begun the session with so much extravagance, should carry it on to the end of it. To retaliate would be easy, but it is unnecessary. The mask of patriotism which they assumed to cheat the rabble rout, begins to drop off of its own accord, and to expose their naked features to contempt and scorn. We now find, that the voice which roared so loud was only the voice of faction, which exerted itself day and night for a share of the loaves and fishes.—But the monster will soon cease to be troublesome: its extreme efforts are now exerted:

* The Lord Chancellor, and the Chancellor and Barons of the Exchequer, are the present Commissioners.

and

and finding that all its endeaours are likely to be fruſtrated and rendered abortive, it is uttering the laſt groans of envy and deſpair.

Proceedings on Friday, Dec. 13.

The Houſe being very thin, little buſineſs was done. The conſideration of the Privilege Bill, and ſome others, were referred to the next week. Sir William Mayne aſked leave to go to Great Britain; when the queſtion being put, it was carried for being granted.——A petition ſigned by ſeveral of the creditors of William Howard was preſented to the Houſe, praying that leave might be given to bring in a bill, to veſt the property of the ſaid William Howard and Abraham Grier, in truſtees for the benefit of the creditors.——This petition was referred to a Committee to examine into the allegations therein contained, and report the ſame, and then the Houſe adjourned,

Proceedings on Saturday, Dec 14.

The Houſe being met, the order was read for reſolving into a Committee of the whole Houſe to take into conſideration the heads of a bill for granting a bounty on the carriage of corn coaſt-ways. Theſe heads were brought in by Sir Lucius O'Brien; but Mr. Forteſcue having prepared heads of a bill for the encouragement of agriculture, upon pretty near the ſame plan, each gentleman was deſirous of having the honour of introducing a meaſure evidently calculated for the public good; therefore the latter wanted to poſtpone the ſitting of the Committee for ſome days. This produced a ſlight altercation, and the queſtion for adjournment being put, on a diviſion there appeared *thirty-four* for, and *thirty-ſeven* againſt it.

The Committee then ſat (Mr. Burgh, jun. in the chair) and ſome ſmall progreſs was made and reported to the Houſe; when an order was made that the committee ſhould ſit again on Thurſday next. The Houſe then adjourned till next Tueſday, when a committee is to take into conſideration the cauſes of the late riſings and diſturbances in the counties of Antrim and Down; how to prevent ſuch in time to come, and to bring the offenders to condign puniſhment.

Friday, Dec. 20.

In a Committee of the whole Houſe, ſome further progreſs was made in the heads of a Bill for a bounty on the carriage of corn, coaſtways.

The Speaker having reſumed the chair, a report was received from the committee appointed to take into conſideration

tion the riots of the people who call themselves Hearts of Steel. The causes of these risings were alledged to be an unlawful desire of some inhabitants of the county of Antrim, to lower rent and tythes to the proportion they thought proper, and in consequence thereof, associations had been formed, and many outrages and murders committed.

One of the resolutions of the Committee seemed very extraordinary, it was, "that it was the opinion of the Committee that sundry notorious delinquents having been taken and committed to prison, were tried for their offences at the last assizes for the county of Antrim, and were acquitted by the jury contrary to evidence given, and to the great surprize and dissatisfaction of the whole court."

When the question was put to agree with this resolution, Mr. Fortescue spoke against it in the strongest terms, declaring he would never assent to any thing that could tend to lessen the legal power of juries, which was the great palladium of liberty. The Provost answered him, that without agreeing to this resolution there could be no means found to put a stop to these insurrections; for the people would commit crimes with impunity, if they were sure they should be tried by a jury of their friends and relations, or by such who were afraid to condemn them, lest they should be the next to suffer from their associates, that the prisoners in question were so conscious of their guilt, that they had dressed themselves in mourning, in expectation of sentence of death. That on this resolution he intended to move for a Bill, which (though a small alteration of the constitution) was become necessary; namely, that the criminals in such cases, should be removed to Dublin, to take their trials, by an unbiassed jury.

Mr. Daly and Mr. Fortescue opposed such a measure, as both dangerous and unjust; and Mr. O'Hara said it would be also very cruel; as the accused, sent hither, would have no chance for their lives; they would come with an odium of guilt on their backs, and could have no opportunity of getting witnesses in their favour; besides, the establishment of juries decreed they should be of their vicinage [their neighbourhood] that they might better judge of the innocence or guilt of the prisoners, and the validity of the evidence, from the knowledge the law supposes them to have of their lives and conduct, and which would be destroyed by such a fatal measure.

Sir Lucius O'Brien spoke against the resolution, as an act of the utmost injustice, in condemning the jury, unheard, and branding them with perjury and breach of duty, which must

must render them contemptible in the sight of their neighbours.

Colonel Cunningham and Mr. Burgh, jun. moved to adjourn, as the House was very thin, sixty-four members only present, and the affair merited consideration in a full House. The House adjourned accordingly.

Proceedings on Saturday, Dec. 21.

The House being met, it resolved into a Committee. Dr. Clement produced a report from the Committee, which had been appointed to examine the transmiss of the Money Bill with the Bill sent over, and report what alterations had been made therein, if any. The report being received and read, it appeared that three alterations had been made, viz. In the clause, laying a duty of one shilling per barrel on all herrings imported, the words, *except British herrings*, were added. In the clause, laying a duty on the importation of Romals, Cottons, or cotton mixed with linen, the words, *cotton or* were omitted. In the clause, laying a duty of sixpence per yard on diapers and damasks imported, the words, *except from Great Britain*, were added.

Mr. Ponsonby opened the debate; he observed, that these alterations, though of a few words, were of the utmost importance; for no less than the right of parliament, and the constitution of this kingdom, were at stake; that if we consented to the altering of a Money Bill, there was an end of parliament; it would have no occasion to assemble; for the British ministry would, by our passing over this invasion of our rights, assume to itself the power of taxing Ireland. He then enlarged on the impropriety of each alteration, and how it would affect our commerce.

Counsellor Power endeavoured to palliate this matter: he said, that these alterations did not levy a tax, but only altered the mode of raising it; that the omission of the words, Cotton or, made no alteration in the tax, since Cotton would be equally charged; for by making a pause after Cotton, in the phrase Cotton and Linen mixed, it would be read thus, Cotton—and Linen mixed; therefore, Cottons would be taxed, and Linen mixed would be taxed. He made use of such a play on words, and such ridiculous distinctions and evasions as would have disgraced a Jesuit, or a Tholsel Attorney.

Colonel Burton replied, that this was such a daring insult on the power and privilege of the Irish House of Commons, as had never been hitherto attempted, and if passed over, would render us mere slaves to an imperious and despotic British administration;

miniſtration; and that he would never conſent to ſuch a flagrant act of tyranny, and ſuch a breach of the conſtitution.

Mr. Forſter ſpoke next, and with the moſt ſolid reaſoning confuted the arguments of Lawyer Power. He obſerved, that even allowing that gentleman's conſtruction of the ſecond alteration, it would be aſſuming a power of levying taxes; for if we disjoined the ſentence Cotton and Linen mixed, which plainly meant Cotton and Linen mixed together, then it would imply the taxing of Linen mixed—with what?—Why with ſilk, thread, yarn, or any thing elſe which was not deſigned to be taxed in the original—His whole ſpeech was very ſpirited, ſenſible, and energetic.

Mr. Barry Barry and Mr. Brownlow ſeconded what Mr. Forſter ſaid; and ſhewed that ſetting aſide the inſult by theſe alterations, if they were agreed to, they would be deſtructive to our trade. The excepting Britiſh herrings would open a channel for Dutch and Swediſh herrings to be imported, duty free, if they came through the medium of Great Britain; the ſame might be ſaid of Mancheſter and India cottons, both plain and printed, to the hurt of our own manufactures; and by the third alteration, damaſks and diapers from Hamburgh, Sileſia, &c. would be firſt imported into Britain, and then ſent here by ſhip loads, without paying any cuſtom.

Mr. Buſhe ſpoke next, with great warmth and ſpirit, againſt admitting theſe alterations, which, he ſaid, were an inſult on the Lord Lieutenant, on the friends of government, on the rights of parliament, and on the liberties of the whole Iriſh nation; to which, while he had life, he would never conſent.

Mr. Langriſh and Mr. Forteſcue next very forcibly oppoſed it. The latter obſerved that he had eſtabliſhed a manufacture of damaſks in his part of the country, which had already languiſhed, and the whole damaſk and diaper works in this kingdom would be deſtroyed by agreeing to this alteration. Beſides, it was ſuch an inſult to the Iriſh parliament, that he would oppoſe it at the expence of the laſt drop of his blood.

Such a generous warmth, ſuch a noble ſpirit was ſhewn by all parties againſt this depredation of our Liberty, that, after that poor creature, Power, had been ſilenced, it was thought none could be found baſe enough, or bold enough to ſpeak in defence of it—when, lo! Laborious languid Lill aroſe, and with a plauſible ſophiſtry ſtrove to defend it. Fearing, however, that his reaſons would be very inconcluſive, he endeavoured to frighten the Houſe into compliance, by laying before

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it the many inconveniencies that would attend the rejecting this Bill. That the taxes which were thereby to take place on December 25, not being to be raised, a most dreadful arrear of four hundred thousand pounds would be incurred, to be provided for in the next Sessions of Parliament, which would be the ruin of the nation. That, to be sure, the alterations were not altogether defensible; yet, as there was no alternative, it would be better to submit to it, than to incur such dreadful inconveniencies.

Col. Cunningham then arose to oppose the alterations, and very warmly expatiated on the insult, but thought a milder way might be found, hinting, that, if the bill was passed, to prevent the inconveniencies mentioned, and accompanied with an address of the House to his Majesty, declaring their rights, and the insults offered to them, it might do.

Mr. French (though very ill) exerted himself very forcibly in the opposition. He said, altering this Bill was a manifest breach of compact between the two kingdoms; for, by the Address of the Lords and Commons of England to King William the Third, when in Ireland, it was agreed, that if Ireland would give up to Britain the Woollen Manufacture, it should, in return, have its Linen Trade secured to it. Therefore, these alterations in favour of Foreign Cottons, Damasks, and Diapers, was striking at the root of our Linen Works.

Colonel Brown spoke against alterations, and declared he would not agree to them. Colonel Owen Wynne, Mr. Holmes, member for Banagher, and Colonel John Wynne opposed the Bill, and declared that the address would not be a sufficient compensation for the insult. Mr. Fortescue proposed rejecting the bill, and opening the committees of supplies, and ways and means again, to bring in another bill, and no very bad consequence could happen, as a fortnight would do the business, and the custom-house holidays falling in that period, no great importations could be in that short time.

Mr. Butler spoke next, and seconded Mr. Fortescue, when, behold! another courtier arose, Mr. Attorney General, the Right Hon. Tedious Tisdall, Esq. He strove to prove the ill consequences of the alterations were not so great as some gentlemen affected to think them; but that as no committee, that had been closed, could be opened again without a prorogation, therefore he moved that the house should be adjourned till Monday, that time might be given to think of some way of asserting the honour of the house, without rejecting the bill, which would be of great and evil consequence.

The adjournment was strongly opposed, as will be shewn; but it will also appear, from the remainder of this intelli-

gence, that it slackened much the fire, which, at first had seized some of the courtiers.

Mr. Ponsonby replied to Mr. Attorney General, that he hoped there would be no adjournment, that gentlemen would not depart while this was undecided, nor once close their eyes in sleep, till their liberty was asserted, or their slavery confirmed.

Mr. Brabason Ponsonby seconded this argument, and Mr. Denis, Member for Youghall, very clearly proved, that the inconveniencies of rejecting this bill, were more imaginary than real, for a fresh bill might be brought in, without any committee of supplies, or ways and means sitting again, for it may be formed on the resolutions of those committees.

Colonel Burton spoke again against any adjournment, as did Mr. Le Hunt, and Sir Edward Newenham, who observed, that it could only tend to give time to gain over to the court party those who had had a generous indignation against such an insult.

Mr. O'Neil, member for Randalstown, and Mr. Kearney, member for Kinsale, spoke very nervously, and in a most patriotic manner, to reject the bill. And things were in this state when a new matter started. The gentle Swan observing what a ferment the house was in, had posted away to the castle, and returned from it with a second transmiss; this he produced to the house, and pointed out that the second alteration that had given so much offence to the house was not in the second transmiss. This gave a new turn to the debate. Col. Eyre spoke strongly against either transmiss, as there were alterations in both. Mr. Neville also spoke against it, and Mr. Flood in a few words urged that if one alteration was, as had been said, a mere clerical error, the others were not so. It was true that the custom is to send two transmisses, one by the way of the packet, and the other by the way of Donaghadee, lest the former should be lost. Mr. Swan spoke again, in order to shew that the last transmiss should be attended to, and the former dismissed, and the commission under the great seal, annexed to each, directing the Lord Lieutenant to give the royal assent, would impower him to assent to which of them the house should adopt.

Mr. Flood replied, that on the very principle that there were alterations in both, he hoped the house would adopt neither; any alteration was an infringement of their rights, which even the most venal ought to oppose: for if once the privilege of taxing ourselves is taken from us, as a voice in parliament would be worth nothing, there could be nothing

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got by corruption, which from that moment would be at an end.

Sir Lucius O'Brien obſerved next, that as the two tranſmiſſes differed, they ought to be equally rejected, and he would not give his vote to receive either.

Colonel Brown, who like the gentle Swan, had taken a trip to the caſtle, ſeemed now very cool about the matter, and his former fire was quite extinguiſhed. He aſſured the houſe, that Lord Townſhend knew nothing of the alterations at four o'clock that day, but that he had had the ſeals opened of the ſecond tranſmiſs, which had juſt arrived, and had ſent it down to ſatisfy the houſe, therefore he was for agreeing with that tranſmiſs.

Mr. Forſter roſe again to oppoſe both, obſerving that tho' the ſecond tranſmiſs had not the ſecond alteration, yet it had the two others, which made it equally obnoxious with the firſt.

Lord Kildare propoſed that the houſe ſhould totally omit any conſideration of the ſecond tranſmiſs, but proceed upon the firſt which was then before them, and when that was diſpoſed of, a committee might be appointed to examine if any alterations were to be found between the ſecond tranſmiſs and the bill ſent over.

Behold, another courtier! Mr. Prime Serjeant ſpoke a long time againſt haſty reſolutions; deſired a delay for due conſideration on the meaſures which were proper to be taken; enlarged on the great and dreadful inconveniencies which would ariſe from rejecting this bill; and concluded that a new one could not be brought in this ſeſſions; for, in the time of Charles the Second, on an almoſt ſimilar caſe, the parliament was prorogued for one day, that a new bill might be brought in without breaking through the rules and ſtanding orders of the houſe.

Sir Lucius O'Brien roſe again, and ſaid, tho' he was willing to allow that the ſecond alteration was not deſigned, but was a clerical error, yet he would oppoſe any tranſmiſs that had any alteration.

Mr. Huſſey obſerved, that this was a trial of the Britiſh miniſtry to proſecute the deſigned plan of enſlaving two nations, but that as thoſe obnoxious miniſters had looked with contempt and indifference on the miſeries of a million of people, ſo he hoped that millions would, when the happy day comes, gaze with pleaſure on their puniſhment and ſufferings, when they ſhould atone for their crimes with their blood upon a ſcaffold.

The Speaker (as it was in a committee of the whole house, Mr. Malone in the chair) then arose, and spoke in a manner that will reflect unalterable glory on him, which must endear him to every Irishman who has the honour of his country at heart; and yet cannot, in justice, offend any but the friends of slavery. He observed, that he could not help allowing the inconveniencies which must follow the rejecting this bill were very great, yet if they were ten-fold, they were nothing to the consequences attendant on the admitting the power of the crown to alter an Irish money bill. If that was allowed, there was at once an end to Irish liberty, and to the very existence of parliament. That while he sat in the house, he should ever oppose such a destructive measure; and should it even depend on his casting voice, he would give it to reject the bill. Yet there might be a method found to remedy both, by a new bill. The gentlemen have said, that the standing orders of the house were against bringing any matter a second time before it, to prevent trouble and inconvenience; yet there was no established law against it; and the house had the same power to dispense with its rules and orders as it had to make them. He should therefore adopt the proposal of an honourable gentleman (Mr. Dennis) and agree that heads of a bill, may be brought in on the resolution of the committee of supplies, and of ways and means.

Col. Brown spoke once more for the second bill.

Sir George Macartney said this was the most troublesome affair he had ever met with in parliament; and he would have given half his fortune rather than it should ever have come on. That the administration here was totally innocent of it; for, in the letter from Lord Rochford, which accompanied the transmiss, it was mentioned that the bill was returned with some inconsiderable alteration. He then desired that time might be given for consideration, and that they would adjourn till Monday.

Counsellor Hamilton opposed any adjournment, and hoped gentlemen would not depart till they had asserted their own honour and privileges, by rejecting the bill.

Mr. Brown spoke for postponing, as did Mr. Swan. Mr. Brownlow spoke again against any adjournment; he desired this the rather to save gentlemen from inconsistencies, and the shame of altering their conduct and sentiments, which would be the consequence of a delay, whereas now they could not be condemned for voting for their country, as it could not be contrary to any instruction, which would certainly follow postponing this affair till Monday.

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Mr. Berresford spoke for the adjournment. Mr. Bushe against it. Colonel Cunningham again for it. Mr. Ralph Howard for it. Mr. Kearney again against it. Mr. Burke, jun. spoke for adjourning. Mr. Fortescue spoke again against the adjournment, and Mr. Brown again for it.

At length the question was put, "that the committee should report to the house, that they had made some progress, and desired leave to sit again." The house divided, and the tellers reported, Ayes seventy-seven, Noes Ninety five.

This great affair being thus gloriously decided, the question was put to agree to the first paragraph, and it was carried in the negative. The rest of the paragraphs were agreed to, and the committee broke up.

The Speaker having resumed the chair, Mr. Prime Serjeant moved, that the report should be received on Friday next, but that was over-ruled, and the report was received directly. Mr. Malone then reported, that the committee had agreed with the whole bill, except the first paragraph. The house agreed to the resolution of the committee, and Mr. Flood moved, that the question should be put on the total rejection of the bill, which was carried in the affirmative, having only two negatives, viz. Sir George Macartney, and Mr. Burke, jun.

The house then resolved into a committee to consider on the heads of a new bill, on the resolutions of the committees of supplies, and of ways and means—which after going through the necessary forms passed without opposition."

Monday, Dec. 23.

In a committee of the whole house (Mr. French in the chair) a further progress was made in the bill for granting a premium on the bringing corn coastways to Dublin; and when the Speaker had resumed the chair, Mr. French reported the progress, and moved for leave for the committee to sit again.

The House then proceeded in the consideration of the report of the committee appointed to enquire into the causes, &c. of the outrages of the Hearts of Steel. The resolution to censure the jury at Armagh (mentioned before) had been recommitted, and somewhat softened. The provost was very strenuous for agreeing to the resolution; and Mr. O'Neil gave the House a striking picture of the distresses of the people in that country from the excesses of these insurgents. However, it was opposed by those who thought verdicts should not be censured. Mr. Fortescue said he should shew himself an unworthy descendant of the great Judge Fortescue in the reign of Henry VI. if he gave his assent to any infringement of the rights of juries. Mr. Flood, Mr. French, and

and Mr. Holmes, were of the ſame opinion. Counſellor Maunſell anſwered, that though verdicts were not properly cenſurable in criminal law, yet in civil cauſes, every motion and grant for a new trial was abſolutely a cenſure on the former verdict. Neither party ſeeming willing to concede, the Speaker made a freſh reſolution, importing, that "the fear of any hurt proceeding to jurors, in the county of Antrim, if they ſhould give their verdict againſt criminals, may be an obſtruction to the bringing offenders to juſtice, and thereby encourage them to continue their outrages from hopes of impunity." This judicious alteration, which made the allegation general, was given to Mr. O'Neil, who moved to put that in the place of the other reſolution, which was agreed to, as well as ſome others, and leave given to bring in heads of a bill to impower grand juries in theſe caſes to have the priſoners tried by a jury from another county.

Mr. Brownlow then preſented a petition to the Houſe, complaining, that Judge Robinſon had laid a fine of 200l. on the county of Armagh, on account of the roads not being properly repaired. This petition was referred to the Grand Committee of Courts of Juſtice to meet on the ſecond Friday after the receſs, to examine into the fact, and how far Judges are authorized to fine whole counties for the ill condition of the roads of particular baronies or diſtricts, and report the ſame to the Houſe.

Mr. Brown moved alſo, that the proper officer do lay before the Houſe the ſtate of the ſaid fine and the paſt proceedings thereupon.

Tueſday, December 24.

A committee of the whole Houſe (Mr. French in the chair) went through the heads of the corn bill, and the report is ordered to be received next Tueſday.

A meſſage from the Lords, by two Judges, brought word, that the Lords had agreed to the loan bill, without any amendment.

The Lord Lieutenant being come to the Houſe of Peers, the Commons were ordered to attend him there; and when the Speaker returned he reported that the Houſe had attended the Lord Lieutenant in the Houſe of Peers, and that his Excellency had given the Royal aſſent to the following bill.

For granting to his Majeſty, the ſeveral duties, rates, impoſitions, and taxes therein particularly expreſſed, to be applied to the payment of the intereſt of the ſums therein provided for, and towards the diſcharge of the ſaid principal ſums, in ſuch manner as therein directed.

The Houſe then adjourned to Tueſday, December 31.

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The following Letter was inserted in a Daily Paper; by the ſtile ſome think it not to be the work of that admired author, the ideas, they ſay, are too vague, and the language too flat to come from the pen of Junius. The piece, however, has merit, on which account, and to oblige ſome of our correſpondents, we here inſert it.

JUNIUS to the Supporters of the Bill of Rights.

The following is the Letter preſented by John Wilkes, *Eſq; to the* Supporters *of the* Bill *of* Rights, *as the obſervations of the celebrated* Junius, *upon the long advertiſement from that Society. (See our number for November laſt.)*

Extract of a Letter to John Wilkes, *Eſq; dated* Sept. 7, 1771.

A MAN, who honeſtly engages in a public cauſe, muſt prepare himſelf for events, which will at once demand his utmoſt patience, and rouſe his warmeſt indignation. I feel myſelf, at this moment, in the very ſituation I deſcribe; yet from the common enemy I expect nothing but hoſtilities againſt the people. It is the conduct of our friends that ſurpriſes and afflicts me. I cannot but reſent the injury done to the common cauſe by the aſſembly at the London Tavern, nor can I conceal from you my own particular diſappointment. They had it in their power to perform a real, effectual ſervice to the nation; and we expected from them a proof, not only of their zeal, but of their judgment, Whereas the meaſure they have adopted is ſo ſhamefully injudicious, with regard to its declared object, that, in my opinion, it will, and reaſonably ought, to make their zeal very queſtionable with the people they mean to ſerve. When I ſee a meaſure, excellent in itſelf, and not abſolutely unattainable, either not made the principal object, or extravagantly loaded with conditions palpably abſurd or impracticable, I cannot eaſily ſatisfy myſelf, that the man who propoſes it, is quite ſincere as he pretends to be. *You*, at leaſt, Mr. Wilkes, ſhould have ſhewn more temper and prudence, and a better knowledge of mankind. No perſonal reſpects whatſoever ſhould have perſuaded you to concur in theſe reſolutions. But my own zeal, I perceive, betrays me; I will endeavour to keep a better guard upon my temper, and apply to your judgment in the moſt cautious and meaſured language.

I object, in the firſt place, to the bulk, and much more to the ſtile of your reſolutions of the 23d of July; though ſome part of the preamble is as pointed as I could wiſh, you talk

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of yourselves with too much authority and importance. By assuming this false pomp and air of consequence, you either give general disgust, or, what is infinitely more dangerous, you expose yourselves to be laughed at. The English are a fastidious people, and will not submit to be talked to in so high a tone, by a set of private gentlemen, of whom they know nothing, but that they call themselves *Supporters of the Bill of Rights*. There are questions, which, in good policy, you should never provoke the people in general to ask themselves. At the same time, Sir, I am far from meaning to undervalue the institution of this society. On the contrary, I think the plan was admirable; that it has already been of signal service to the public, and may be of much greater; and I do most earnestly wish, that you consider of, and promote a plan for forming constitutional clubs all through the kingdom. A measure of this kind would alarm government more, and be of more essential service to the cause, than any thing that can be done relative to new-modelling the House of Commons. You see then, that my objections are directed to the particular measure, not to the general institution.

In the consideration of this measure, my first objection goes to the declared purpose of the resolutions, in the terms and mode in which you have described it, viz. *the extermination of corruption*. In my opinion, you grasp at the *impossible*, and *lose the really attainable*. Without plaguing you or myself with a logical argument upon a speculative question, I willingly appeal to your own candour and judgment. Can any man in his senses affirm, that, as things are now circumstanced in this country, it is possible to *exterminate corruption?* Do you seriously think it possible to carry through both houses such a place-bill as you describe in the fifth article; or supposing it carried, that it would not be evaded? When you talk of contracts and lottery tickets, do you think that any human law can really prevent their being distributed and accepted? In short, Sir, would you, *bona fide*, and as a man of honour, give it for your expectation and opinion, that there is a single county or borough in the kingdom, that will form the declaration recommended to them in the resolutions, and inforce it upon the candidates? For myself, I will tell you freely, not what I *think*, but what I *know*; the resolutions are either totally neglected in the country, or, if read, are laughed at, and by people who mean as well to the cause as any of us.

With regard to the articles taken separately, I own I am concerned to see that the great condition, which ought to be the

the *sine qua non* of parliamentary qualification, which ought to be the basis, as it assuredly will be the only support, of every barrier raised in defence of the constitution, I mean a *declaration upon oath to shorten the duration of parliaments*, is reduced to the fourth rank in the esteem of the society, and even in that place, far from being insisted on with firmness and vehemence, seems to have been particularly slighted in the expression, *you shall endeavour to restore annual parliaments*. Are these the terms which men who are in earnest make use of, when the *salus reipublicæ* is at stake! I expected other language from Mr. Wilkes. Besides my objection in point of form, I disapprove highly of the meaning of the 4th article, as it stands.—Whenever the question shall be seriously agitated, I will endeavour, (and if I live will assuredly attempt it) to convince the English nation by arguments, to my understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament.

Article 1. The terms of the first article would have been very proper a century or two ago, but they are not adapted to the present state of the constitution. The king does not act *directly* either in imposing or redressing *grievances*. We need not *now* bribe the crown to do us justice; and, as to the refusal of supplies, we might punish ourselves indeed, but it would be no way compulsory upon the king. With respect to his civil list, he is already independent, or might be so, if he had common sense, or common resolution; and as for refusing to vote the army or navy, I hope we shall never be mad enough to try an experiment every way so hazardous. But, in fact, the effort would be infinitely too great for the occasion; all we want is an honest representative, or at least such an one as will have some respect for the constituent body. Formerly the house of commons were compelled to bargain with the sovereign. At present they may prescribe their own conditions. So much, in general, for grievances: as to particular grievances, almost all those we complain of are, apparently, the acts either of the Lords or the Commons. The appointment of unworthy ministers is not strictly a grievance, (that is a legal subject of complaint to the king) until those ministers are arraigned and convicted in due course of law. If, after that, the king should persist in keeping them in office, it would be a *grievance* in the strict legal sense of the word, a would undoubtedly justify rebellion according to the forms, as well as the spirit of the constitution. I am far from condemning the late addresses to the throne; they ought to be incessantly repeated. The people, by the singular situation of

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their affairs, are compelled to do the duty of the houſe of commons.

Article 2. I object to the ſecond article, becauſe I think that multiplying oaths is only multiplying perjury. Beſides this, I am ſatisfied that, with a triennial parliament (and without it all other proviſions are nugatory) Mr. Grenville's bill is, or may be made, a ſufficient guard againſt any groſs, or flagrant offences in this way.

Article 3. The terms of the third article are too looſe and indefinite to make a diſtinct and ſerious impreſſion. That the people are not equally and fully repreſented is unqueſtionable, but let us take care what we attempt. We may demoliſh the venerable fabric we intend to repair; and where is the ſtrength and virtue to erect a better in its ſtead? I ſhould not, for my own part, be ſo much moved at the corrupt and odious practices, by which inconſiderable men get into parliament; nor even at the want of a perfect repreſentation (and certainly nothing can be leſs reconcileable to the theory than the preſent practice of the conſtitution) if means could be found to compel ſuch men to do their duty (in eſſentials at leaſt) when they *are* in parliament. Now, Sir, I am convinced that, if ſhortening the duration of parliaments (which in effect is keeping the repreſentative under the rod of the conſtituent) be not made the baſis of our new parliamentary juriſprudence, other checks, or improvements ſignify nothing. On the contrary, if this be made the foundation other meaſures may come in aid, and, as auxiliaries, be of conſiderable advantage. Lord Chatham's project, for inſtance, of increaſing the number of knights of ſhires, appears to me admirable, and the moment we have obtained a triennial parliament, it ought to be tried. As to cutting away the rotten boroughs, I am as much offended as any man at ſeeing ſo many of them under the direct influence of the crown, or at the diſpoſal of private perſons; yet I own I have both doubts and apprehenſions, in regard to the remedy you propoſe. I ſhall be charged, perhaps, with an unnſual want of political intrepidity, when I honeſtly confeſs to you, that I am ſtartled at the idea of ſo extenſive an amputation. In the firſt place, I queſtion the power, *de jure*, of the legiſlature to disfranchiſe a number of boroughs upon the general ground of improving the conſtitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that which confounds the idea of a *ſupreme* and an *arbitrary* legiſlature. I need not point out to you the fatal purpoſes to which it has been, and may be applied. If we are ſincere in the political

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creed we profess, there are many things which we ought to affirm cannot be done by King, Lords, and Commons. Among these I reckon the disfranchising a borough with a general view to improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I say, that although this birthright may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away by a general law, for any real or pretended purpose of improving the constitution. I believe there is no power in this country to make such a law. Supposing the attempt made, I am persuaded you cannot mean that either King or Lords should take an active part in it. A bill which only touches the representation of the people must originate in the House of Commons, in the formation and mode of passing it. The exclusive right of the Commons must be asserted as scrupulously as in the case of a money bill. Now, Sir, I should be glad to know by what kind of reasoning it can be proved, that there is a power vested in the representative to destroy his immediate constituent: from whence could he possibly derive it? A courtier, I know, will be ready enough to maintain the affirmative. The doctrine suits him exactly, because it gives an unlimited operation to the influence of the crown. But we, Mr. Wilkes, must hold a different language. It is no answer to me to say, that the bill, when it passes the House of Commons, is the act of the majority, and not of the representatives of the particular boroughs concerned. If the majority can disfranchise ten boroughs, why not twenty? Why not the whole kingdom? Why should not they make their own seats in parliament, for life? When the septennial act passed, the legislature did what apparently and palpably they had no power to do; but they did more than people in general were aware of; they disfranchised the whole kingdom for four years. For argument's sake, I will now suppose, that the expediency of the measure, and the power of parliament, were unquestionable. Still you will find an insurmountable difficulty in the exclusion. When all your instruments of amputation are prepared —when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? When you purpose to cut away the rotten parts, can you tell us what parts are perfectly sound? Are there any certain limits, in fact or theory, to inform you at what point you must stop—at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon

the subject. Besides that I approve highly of Lord Chatham's idea of "infusing a portion of new health into the constitution to enable it to bear its infirmities," (a brilliant expression, and full of intrinsic wisdom) other reasons concur in persuading me to adopt it. I have no objection to paying him such compliments as carry a condition with them, and either bind him firmly to the cause, or become the bitterest reproach to him if he deserts it. Of this last I have not the most distant suspicion. There is another man, indeed, with whose conduct I am not so compleatly satisfied. Yet even he, I think, has not resolution to do any thing flagrantly impudent in the face of his country. At the same time that I think it good policy to pay those compliments to Lord Chatham, which in good truth he has nobly deserved, I should be glad to mortify those contemptible creatures, who call themselves noblemen, whose worthless importance depends entirely upon their influence over boroughs, and cannot be safely diminished, but by encreasing the powers of the counties at large. Among these men, I cannot but distinguish the meanest of the human species, the whole race of the *Conways*. I have but one word to add—I would not give representatives to those great trading towns, which have none at present. If the merchant and the manufacturer must be *really* represented, let them become freeholders by their industry, and let the representation of the county be encreased. You will find the interruption of business in those towns, by the triennial riots and cabals of election, too dear a price for the nugatory privilege of sending members to parliament.

The remaining articles will not require a long discussion;—of the 4th and 5th articles I have spoken already.

Article 6. The measures recommended in the sixth are unexceptionable. My only doubt is, how can an act *apparently* done by the House of Commons be fixed, by sufficient legal evidence, upon the Duke of G———n or Lord N——h, of whose guilt I am nevertheless compleatly satisfied? As for Lord W———h and Lord B———n, their own letters are a sufficient ground of impeachment.

Article 7. The seventh article is also very proper and necessary. The impeachment of Lord M———d, upon his own paper, is indispensable. Yet suffer me to guard you against the seducing idea of concurring in any vote, or encouraging any bill, which may pretend to ascertain, while in reality it limits, the constitutional power of juries. I would have their right, to return a general verdict in all cases whatsoever, considered as a part of the constitution, fundamental, sacred,

sacred, and no more questionable by the legislature; than whether the government of the country shall be by King, Lords, and Commons. Upon this point, an enacting bill would be pernicious; a declaratory bill, to say the best of it, useless.

Article 8. I think the eighth article would be more properly expressed thus: *You shall grant no money, unless for services known to, and approved of, by parliament.* In general the supplies are appropriated, and cannot easily be misapplied. The House of Commons are indeed too ready in granting large sums under the head of *Extraordinaries incurred and not provided for.* But the accounts lie before them;—it is their own fault if they do not examine these. The manner in which the late debt upon the civil list was pretended to be incurred, and really paid, demands a particular examination. Never was there a more impudent outrage offered to a patient people.

Article 9. The ninth is indispensable; but I think the matter of it fitter for instruction, than the declaration you have in view. I am very apprehensive of clogging the declaration, and making it too long.

Article 10 and 11. In the tenth and eleventh you are civil to Ireland and America; and, if you mean nothing but ostentation, it may possibly answer your purpose. Your care of Ireland is much to be commended. But, I think, in good policy, you may as well compleat a reformation at home, before you attempt to carry your improvements to such a distance. Clearing the fountain is the best and shortest way to purify the stream. As for taxing the Americans by their own representatives, I confess I do not perfectly understand you. If you propose that, in the article of taxation, they should hereafter be left to the authority of their respective assemblies, I must own I think you had no business to revive a question which should, and probably would, have lain dormant for ever. If you mean that the Americans should be authorised to send their representatives to the British parliament, I shall be contented with referring you to what Mr. Burke has said upon this subject, and will not venture to add any thing of my own, for fear of discovering an offensive disregard of your opinion. Since the repeal of the stamp act, I know of no acts tending to tax the Americans, except that which creates the tea duty; and even that can hardly be called internal. Yet it ought to be repealed, as an impolitic act, not as an oppressive one. It preserves the contention between the mother country and the colonies, when every thing worth contending for is, in reality, given up. When this act is repealed, I presume you will turn your thoughts to the postage of letters;

ters; a tax imposed by authority of parliament, and levied in the very heart of the colonies. I am not sufficiently informed upon the subject of that excise, which you say is substituted in North America to the laws of customs, to deliver such an opinion upon it as I would abide by: Yet I can easily comprehend, that admitting the necessity of raising a revenue for the support of government there, any other revenue laws, but those of excise, would be nugatory in such a country as America. I say this with great diffidence as to the point in question, and with a positive protest against any conclusion from America to Great Britain.

If these observations shall appear to deserve the attention of the society, it is for them to consider what use may be made of them. I know how difficult and irksome it is to tread back the steps we have taken; yet, if any part of what I have submitted to you carries reason and conviction with it, I hope that no false shame will influence our friends at the London Tavern. Let my opinions be fairly examined.

JUNIUS.

January 21.

THIS day his majesty came to the House of Peers, and being in his royal robes seated on the throne with the usual solemnity, Sir Francis Molyneux, gentleman usher of the black rod, was sent with a message from his Majesty to the House of Commons, commanding their attendance in the House of Peers: The Commons being come thither accordingly, his Majesty was pleased to make the following most gracious speech.

My Lords, and Gentlemen,

IT gives me much satisfaction, that nothing in the situation of our affairs, either foreign or domestic, has obliged me to require your attendance earlier than might have been consistent with your private convenience; and that now you are met together, you will find yourselves at liberty to give your whole attention to the establishment of wise and useful regulations of law, and to the extension of our commercial advantages.

The performance of the engagement of the King of Spain, in the restitution of port Egmont and Falkland's Island, and the repeated assurances I have received of the pacific disposition of that court, as well as of other powers, promise to my subjects the continuance of peace: and we may, with the greater confidence, hope, that we shall not be disturbed in the enjoyment of this blessing, as there is no reason to apprehend that we shall become involved in the troubles which still unhappily prevail in one part of Europe.

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The danger of the farther ſpreading of the infectious ſickneſs in Europe is, I truſt, very much abated. But I muſt recommend it to you, not to ſuffer our happineſs, in having been hitherto preſerved from ſo dreadful a calamity, to leſſen your vigilance in the uſe of every reaſonable precaution for our ſafety.

Gentlemen of the Houſe of Commons.

I have ordered the eſtimates for the ſervice of the current year to be laid before you. I make no doubt but you will ſee the propriety of maintaining a reſpectable eſtabliſhment of my naval forces: I am pleaſed, however, to find that I ſhall be under no neceſſity of aſking of you, at this time, any extraordinary aid.

My Lords, and Gentlemen,

The concerns of this country are ſo various and extenſive, as to require the moſt vigilant and active attention; and ſome of them, as well from remoteneſs of place, as from other circumſtances, are ſo peculiarly liable to abuſes, and expoſed to danger, that the interpoſition of the legiſlature for their protection may become neceſſary. If, in any ſuch inſtances, either for ſupplying defects, or remedying abuſes, you ſhall find it requiſite to provide any new laws, you may depend upon my ready concurrence in whatever may beſt contribute to the attainment of thoſe ſalutary ends.

Proceedings of the Houſe of Commons, *Tueſday January* 22.

AFTER the houſe had returned from waiting on his Majeſty, the ſpeech became the object of diſcuſſion. Lord Hinchinbroke in a ſtudied harangue, which he had not got very perfectly by heart, moved for an addreſs, and ſaid that, however mueh gentlemen might differ about the terms, none could have any objection to the firſt paragraph, which expreſſed their duty and affection to the ſovereign and his royal conſort, and their ſatisfaction at the increaſe of their family; that the wiſdom and paternal care of the king in preſerving us from the calamities of war, while at the ſame time he had aſſerted the honour and juſt rights of his people demanded their higheſt acknowledgments; that the preſent ſtate of the navy was reſpectable, but that from the peculiarity of his ſituation he could not expatiate on the ſubject, and that he begged the houſe's pardon for having ſaid ſo much. He then read the addreſs, and after the Speaker had done the ſame, Mr. Vane ſeconded his motion ſaying, that the noble Lord had expreſſed ſo fully and ſo juſtly that little remained for him to add; and that, if it was not cuſtomary on theſe occaſions to ſay ſomething, he could content himſelf barely with ſeconding the motion. He then briefly recapitulated the arguments of Lord Hinch-

Hinchingbroke declaring that to congratulate the King on the different accounts mentioned by him was in fact to congratulate ourselves; that as we were now, thro' the wisdom of his Majesty, at peace with all the world, and likely to remain so, they would have leisure for directing their attention to domestic affairs; that the malversation of the East India Company's servants called loudly for their interposition, and that he believed they should have an opportunity of displaying their legislative wisdom in adjusting these matters. Here he run over the heads of the different charges brought against the Company and its servants, but as they are well known to the public, we shall say nothing of them. After he sat down, every body expected that some member of the opposition would rise! But behold! they were tongue-tied.

To the MINORITY in both HOUSES of PARLIAMENT.

My Lords and Gentlemen,

WHAT is become of that spirit of independance, which animated you last session in defence of the national liberties? The first day of the session you have suffered to pass without the least opposition; as if the King's speech was really unexceptionable.—Lord North by the advice of Sandwich forbore to touch any discordant string. Neither the affairs of Ireland nor the Manilla ransom were mentioned. But was this artifice a sufficient reason for your silence? On the contrary the stratagem should have roused you into action. What tho' Sir William Draper has betrayed the companions of his victory? you should not have followed his example. He is paid for his forbearance. Do you stand in the same predicament? We cannot, upon any other supposition easily account for your conduct. Yet let us hope the best, and attribute the whole to an oversight. You cannot all have been bribed in the person of brothers like Sir William Meredith. Some honest and independent men must still remain among you. Why do not they stand forth, and continue to open the eyes of the nation to its multiplied grievances? Not a single complaint has been yet satisfactorily answered by the crown. The affair of the Middlesex election continues in its old state. All the remonstrances and petitions have been laid up as useless lumber, or given to the maids of honour for thread-papers. If you allow matters to stand on this footing, the turn of the House of Commons will come next. The transition is easy from the neglect of the people to the neglect of their representatives. Indeed the latter is a necessary consequence of the former. Be wise then, and check despotism in the bud. If you thus go to sleep, and suffer it to take root, all is lost: *illicet, actum est, perimus.*

GRACCHUS.

A View of the Origin of Scotch Ministers & Managers.

They go from the Devil to Court,
And from Court to the Devil again. Swift.

THE POLITICAL REGISTER.

For MARCH, 1772.

NUMBER LXI.

To the EDITOR.

SIR,

Secure in his retreat Vejanius lies,
Hangs up his arms, nor courts the doubtful prize;
WISELY resolv'd to tempt his fate no more,
Or the light croud for his discharge implore.

FRANCIS' HOR.

UPON Mr. ———'s accession to the government of the Leeward Islands, I had the honor to point out to you his non-ability for the execution of such an office; upon his embarkation for Europe in consequence of a leave of absence from the administration, I asserted to you he never would reassume the reins of government, whatever protestations he might have made, or however he might have endeavoured to throw dust in the poor deluded people's eyes; both these assertions you have seen verified; but it needed not the spirit of prophecy, or one risen from the dead, to support facts which were notorious to every man of discernment and common understanding; I hope therefore you will acquit me from having in the least endeavoured to mislead you or the public at large, in

respect to this gentleman's character. These letters (which have no small share in the removal of Mr. —— from an office which nature never meant him for) have ever stood upon the firm and invincible pillars of truth; I aim at no rhetorical flourishes, I do not mean to captivate the passions of mankind, my weapons are, and ever shall be plain truth, dictated by common honest which needs no flowers of speech. As I think I have proved Mr. —— to have been an unfit man to hold the reins of government, and to be his Majesty's representative in a distant part of his dominions; I do now stand forth and am bold enough to say his successor — —— ——— is if possible a still more unfit man, I do not attack him as I have ever done Mr. ——— for the want of parts, I never will arrogate to myself or derogate from the just merits of any man, — ——— ——'s understanding we will then lay aside, as I do most chearfully allow him to be a man of sense; but his pride, vanity and hereditary notions of despotism, are such, that from the knowledge I have of the people whom he goes to govern, I am convinced his reign will be to the full as unpopular and temporary as his predecessor's of immortal memory was; Mr. ———'s first appearance in England (for he is by birth a West-Indian) was just upon the eve of the late general election; by wading through a sea of corruption and distressing his estate (no very large one) he procured himself to be returned for ———; soon after the meeting of the present p——t, Mr. ——— rendered himself very conspicuous and courtly, by appearing not quite satisfied that Mr. Wilkes had only lost his seat for Middlesex, he was also for bringing in a bill of pains and penalties to expel him the kingdom; this opened the eyes of the minister and he judged him a proper implement or tool to be used or laid aside at his will and pleasure; accordingly we find him in the succeeding session the person pitched upon to move the address and echo back the minister's speech; and as he had taken a determination not to do his master's work by halves, he was pleased in his motion to call the ministry a set of spotless gentlemen. I know, Mr. Editor, you will smile at the idea of spotless being joined to the names of Grafton and Rigby; but as I told you before, fair truth shall ever guide my goose-quill: for this last speech Mr. ——— was complimented with the government of the Leeward Islands, his shoulder decorated with a blushing ribband of the military order of the Bath, to the dislike of many of our ancient families, who thought they had a fairer claim to it than an upstart West-Indian of yesterday; thus you see how nobly he was rewarded for his dirty work; it has of

of late become the fashion for every aspiring West-Indian to endeavour at getting into p———t, and when there, they all run at same goal, they are as mad for the government of the Leeward Islands as Sancho was for that of Barataria when he attended the fortunes of the Don; this the ministry have had address enough to find out, so that every West-Indian comes into p———t with a clog about his leg; Mr. ——— had no sooner left Portsmouth than his office, in case of vacancy, was promised to Mr. ———, — ———, no sooner makes his courtly bow at St. James' than this dear place is promised to one of the present members for ——— ———, a man of obscure birth and still more obscure connections, but as he was just called to parliament and having been suspected to be a Wilkite it was necessary to divert him with this promise as you would a child with a rattle and bells. The Romans seldom or never sent a native to the government of a colony, this policy was worthy of that noble people, the reasons which operate against such an appointment are obvious; I do believe Mr. ——— might have succeeded better, though not altogether, had he not been a native of Christopher's; upon his arrival the people had immediately a retrospective eye to his ancestry, which they traced to about two generations back, and there found him originating from an illiterate Negroe driver; I do not mention this as conveying any abuse to Mr. ———, it is well known, and I am sure he has candour enough not to deny it; the people brought their ideas then nearer still to him and in the person of his father found a poor miserable illiterate old man dying for want in the midst of a good estate; these reflections occasioned the multitude to exclaim, 'Shall this man govern us? we are at least his equals, if not his superiors;' and it was these reflections that first occasioned him to be treated with contempt, which Montesquieu says, when a king or governor has brought upon himself he has every thing to fear; to support my argument of it's being impolitic to send a native to govern a colony, I will now proceed to examine what prospect — ——— ——— can have of a peaceable administration; in the male line he springs from the same family with Mr. ———, so that if you go back two generations you come to his origin, his father Mr. ——— ——— was always esteemed a proud, arbitrary, insolent man, cursed with a deserved unpopularity and which he even carried to execration by his having at the very time of his being Chief Justice of the courts of King's Bench and Common Pleas, incestuously married the sister of his second wife; and I am sure the peo-

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ple will visit the sins of the father upon the present governor and to the third and fourth generation; in regard to Mr. ———, who now looks forward to the promised land; he also is a West-Indian; but of so vulgar and mean an extraction that it is not worth the trouble of enquiring who or what he is; let it suffice to say the West-Indians know him and his origin well, that he lived in open fornication in St. Christopher's, and in as open adultery in England, having married the daughter of a gentleman in H—— S—— of considerable fortune and made her compleatly miserable. I am well aware that it will be said by my readers, That the author of these letters is some jealous discontented man who would be glad to get the government for himself; to obviate this objection to my candour, know Mr. Editor, that I am by birth a West-Indian, and that any application of mine for, or appointment to this office, would immediately fly in the face of my general argument, viz. that a native of a colony should be sent to govern in the place of his nativity; these letters have not not proceeded from a scurrilous disposition to abuse or expose any man, but from a natural love which I bear the West-Indians and the West-India islands, and from a powerful desire I have to see internal peace take place in the once happy island of St. Christopher's; which never will be the case until an European is deputed by his Majesty; let him be English, Scotch, or Irish, let him be but possessed of the arts of government, let him but conceal the meanness of his ancestry, I will join in throwing a shade over the juvenile part of his life. This will secure him from contempt. He will find a generous noble people and I shall from the very bottom of my heart wish him success.

Hill Street, February 11. X.

Seasonable REFLECTIONS *on Mr.* SAWBRIDGE'S Motion, *against the holding of* long PARLIAMENTS.

THERE is nothing the people of England in general have always shewn so great a dislike to as the holding of long parliaments. This dislike may be said to be truly inherent to their notions of liberty, and justly founded on reason and experience. Long parliaments in former reigns have proved the unhappy cause of great calamities to this nation, and have at all times been declared, an innovation upon our constitution. In the 4th of Edward III. an act passed for holding them once a year, or oftener, if there should be occasion. In the 36th year of the same reign, that statute was con-

firmed. In that parliament Magna Charta and Charta de Foresta were confirmed, and several new privileges granted to the subject. Then comes the clause relating to parliaments, which sufficiently shews the intention and original institution of them, was for the redress of grievances: for the bill enacts, "That for the maintenance of the said articles and statutes (that is the privileges beforementioned,) and for redress of divers mischiefs and grievances which daily happen, a new parliament shall be held once every year."

In the early days when this prudent care was taken for the frequent meeting of parliaments, the crown was possessed of revenues, which made applications to the people for money, unless on extraordinary emergencies, unnecessary. It therefore plainly appears, "That redress of grievances, making salutary laws for the good of the community, and preserving the liberties of the people, by supporting a due balance between the power of the crown and the rights of the subject, were the main ends of calling parliaments." The power of calling them being the undoubted prerogative of the crown, it became necessary, for the safety of the subject, to oblige the crown to call them frequently. A caution of this kind is no longer necessary, nor can it ever be, so long as we preserve to ourselves the power of granting money; the crown revenues being sunk, or wantonly granted away, the annual call for a supply must necessarily produce an annual meeting of parliament. But the grievance now complained of, is of a very different nature. It is not founded on discontinuance of parliaments, but on a too long and dangerous continuance of one and the same parliament; a practice unheard of in former times, when prorogations were not known: for when a parliament was annually called for the redress of grievances, as soon as the business of the session was over it was dissolved, and a new one called the next year for the same purpose; by which means the country had a proper check upon their representatives, and those who had appeared to be too much under the influence of the crown, those who were too much attached to the minister, had less opportunity of injuring their country; the people had it more frequently in their power to shew a proper resentment, and remedy the evil, by sending others the next year in their places.

Thus parliaments were generally annual, but never continued longer than three years, till the remarkable reign of Henry VIII. he was a prince of unruly appetites, and of an arbitrary will. He was impatient of every restraint; the laws of God and man fell equally a sacrifice, as they stood in the

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way of his avarice, or disappointed his ambition. He therefore introduced long parliaments, because he very well knew, that they would become the proper instruments of both; and what a slavish obedience they paid to all his measures is sufficiently known.

If we come to the reign of King Charles I. we must acknowledge him to be a prince of a contrary temper; he had certainly an innate love for religion and virtue, and of consequence for the liberty of his country. But here lay the misfortune.—He was led from his natural disposition by sycophants and flatterers. They advised him to neglect the calling of frequent new parliaments, and therefore by not taking the constant sense of his people in what he did, he was worked up into so high a notion of prerogative, that the commons, in order to restrain it, obtained that independent fatal power, which at last unhappily brought him to his most tragical end, and at the same time subverted the whole constitution. This lesson, it is to be hoped, will be learned from it some time or other, never to compliment the crown with any new or extravagant powers, nor deny the people those rights, which by ancient usage they are entitled to; but to reserve the just and equal balance, from which they will both derive mutual security, and which, if duly observed, will render our constitution the envy and admiration of all the world.

King Charles II. naturally took a surfeit to parliaments from what had happened to his father, and was therefore extremely desirous to lay them aside. But this was a scheme impractable. However, in some measure he did so; for he obtained a parliament, which, by its long duration, like an army of veterans, because so exactly disciplined to his own measures, that they knew no other command but from that person who gave them their pay. This was a safe and ingenious way of enslaving a nation.—It was very well known, that arbitrary power, if it was open and avowed, would never prevail here. The people were therefore amused with the specious form of their ancient constitution; it existed, indeed, in their fancy; but like a mere phantom, had no substance nor reality in it; for the power, the authority, the dignity of parliaments were wholly lost.—This was that remarkable parliament, which so justly obtained the opprobrious name of the 'pensioned parliament;' and was the model from which some later parliaments have been exactly copied.

At the time of the Revolution, the people made a fresh claim of their ancient privileges; and as they had so lately experienced the misfortune of long and servile parliaments, it

it was then declared, 'That they ſhould be held frequently.' But, it ſeems, their full meaning was not underſtood by this declaration; and therefore, as in every new ſettlement, the intention of all parties ſhould be ſpecifically manifeſted, the parliament never ceaſed ſtruggling with the crown, till the triennial law was obtained.

Some have ſince alledged in the view of favouring ſeptennial parliaments, that the triennial bill was introduced by the enemies to the Revolution, 'Tis true, it was not introduced by the courtiers at that time: We ſeldom ſee ſuch bills introduced by ſuch gentlemen; but does not every one know, that it was my lord Somers who was the chief promoter of that bill, and that moſt of thoſe who ſupported him in it, were gentlemen who had been deeply concerned in bringing about the revolution? The courtiers, indeed, oppoſed it, and even King William himſelf, by the advice of ſome wicked miniſters, refuſed to paſs it the firſt time it was offered; but when it came back again to him, he was better adviſed; and if he had not paſſed it, he had not done what he ought to do, he had not done all he came to do, nor that which, when he came, he promiſed to do, which was to reſtore the people to the full enjoyment of all their rights and privileges.

The foundation for enacting the ſeptennial bill, appears, it is ſaid, from the preamble to it, "That triennal parliaments have proved more grievous, burthenſome, and expenſive, than they were ever known before that law paſſed." Let us conſider the cauſe.——It is the lengthening of the term that occaſions the expence; and the multiplicity of places enjoyed by the members, may be likewiſe juſtly aſſigned as another cauſe. Would not a man give more for an annuity of three years, than for a grant determinable at the end of one; and by the ſame parity of reaſoning, muſt not ſeptennial parliaments prove more grievous, burthenſome, and expenſive than triennial, at leaſt in ſuch a degree, as an annuity for ſeven years deſerves a better conſideration than one for three.

There is another reaſon, upon which the ſeptennial act was grounded, and this was a ſuſpicion, that deſigns were carrying on to renew the rebellion, and an invaſion from abroad. This was undoubtedly the only juſtifiable pretence for enacting it into a law; and it might poſſibly have induced ſome gentlemen of very great honour and integrity, to give their votes for the bill at that juncture, for thoſe who voted for it from that view, could never intend it ſhould be

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made perpetual, or that it ſhould continue longer than that misfortune ſubſiſted.——People, in their fears, have very often recourſe to deſperate expedients, which, if not cancelled in ſeaſon, will themſelves prove fatal to that conſtitution, which they were meant to ſecure.——Such is the nature of the ſeptennial law; it was intended only as a preſervative againſt a temporary inconvenience; the inconvenience is removed, but the miſchievous effects ſtill continue; for it not only altered the conſtitution of parliaments, but extended that ſame parliament beyond its natural duration; and therefore carries this moſt unjuſt implication with it, 'That you may at any time uſurp the moſt indubitable, the moſt eſſential privilege of the people, I mean that of chuſing their own repreſentatives.——A precedent of ſuch a dangerous conſequence, of ſo fatal a tendency, that it muſt be a reproach to our ſtatute book, if that law was any longer to ſubſiſt, which might record it to poſterity.

Far from remaining degenerate, let there be at length a ſeaſon of virtue and public ſpirit among us, and let us take advantage of it, to repeal thoſe laws which infringe on our liberties, and introduce ſuch as may reſtore the vigour of our antient conſtitution.

Human nature is ſo very corrupt, that all obligations loſe their force, unleſs they are frequently renewed. Long parliaments become therefore independent of the people, and when they do, there always happens a moſt dangerous dependence elſewhere. If the people had more frequent opportunities of varying the choice of their repreſentatives, they might diſmiſs ſuch as have unfaithfully withdrawn their attention from them.

The influencing powers of the crown are daily increaſing, and it is highly requiſite that parliaments ſhould be frequently reſponſible to their conſtituents, and ſhould be kept under the conſtant awe of acting contrary to their intereſts. Modern hiſtory, I believe, will inform us, that ſome very dangerous attempts have been made on our liberties.

The proviſion made againſt ſuch whoſe places vacate their ſeats in parliaments hangs on ſuch ſlender things, that it is nothing better than a mere cob-web, whilſt at the ſame time there is no guarding againſt penſioners, place-holders, jobbers, contractors, and the like, of the more ſecret kind; neither can the people have other remedy to rid the nation of them but a new election, and that frequently practiſed.

A farther miſchief of long parliaments is, that a miniſter has time and opportunities of getting acquaintance with members,

bers, of tampering with them, and of practising his several arts to win them into his schemes. This cannot be so commodiously effected in a Parliament of short duration; it must be a work of time: for corruption is of so base a nature, that at first sight it is extremely shocking. Hardly any one has submitted to it all at once. His disposition must be previously understood; the particular bait must be found out with which he is to be allured, and after all, it is not without many struggles that he surrenders his virtue. Indeed, there are some, who all at once plunge themselves over head and ears into any base action, but the generality of mankind are of a more cautious nature, and will proceed only by leisurely degrees. One or two perhaps have deserted their colours the first campaign, some have done it a second; but a great many, who have not that eager disposition to vice, will wait till a third.

For this reason, short parliaments have been less corrupt than long ones; they are observed, like streams of water, always to collect more impurities according to the distance they run from the fountain head. Add to this, that frequent new parliaments will be the only proper remedy against the evil of bribery at elections. This evil could not arise from country gentlemen, the means for whose election is natural and plausible without it. It must therefore be the invention of wicked and corrupt ministers, who have, from time to time, led weak princes into such destructive measures, that they did not dare to rely upon the natural representation of the people. Hence, long parliaments have been deemed worth purchasing at any rate, and consequently they first introduced bribery. Country gentlemen, who have only their private fortunes to rely upon, and have no mercenary ends to serve, are unable to bear up against the torrent, especially if at any time the public treasure shall be unfaithfully squandered away for the purposes of corruption. Country gentlemen, indeed, may make some weak efforts, but as they generally prove unsuccessful, and the time of a fresh struggle is at so great a distance, they at last grow faint in the dispute, give up their country for lost, and retire in despair. ——Despair naturally produces indolence, and that is the proper disposition for slavery. Ministers of state understand this very well, and are therefore unwilling to awake the nation out of its lethargy, by frequent elections. They know that the spirit of liberty, like every other virtue of the mind, is to be kept alive by constant action, and that it is impossible to enslave this nation, while it is perpetually upon its guard.

If then country gentlemen, by having frequent opportunities of exerting themselves in frequent elections, were kept warm and active in such laudable contentions for the public good, it would raise that zeal and indignation, which at length must get the better of those undue influences, by which the officers of the crown have been able to supplant country gentlemen of great characters and fortune. This is the real sore that has been long eating into the most vital part of our constitution, and which nothing but short parliaments can probe to the bottom. Otherwise, a minister must constantly entertain a corrupt familiarity with our borroughs; and he need only send down his treasury-mandates to procure a spurious representative of the people, the offspring of his corruption, who will at all times be ready to reconcile and justify the most contradictory measures of his administration, and even to vote every crude indigested dream of his bewildered fancy into a law.

It may now appear evident, that the increase of bribery and corruption is as natural a consequence of septennial parliaments, as any one thing can be conceived to be the consequence of another. There is no way for effectually preventing corruption, but by putting it out of the power of any man to corrupt. There is no corrupting any man but by coming up to his price; therefore, the only way of putting it out of the power of any man to corrupt, is to put it out of the power of any man to come up to the price of any number of electors; and this can only be done by making our elections frequent: The more frequent the better. It is certain, a gentleman, who enjoys a good place or pension for seven years, is more able to give a high price than if he had enjoyed that place or pension but for one year, or even for three; and he will more willingly give a high price, when he is thereby to purchase the continuance of that pension or place for seven years, than when he is to purchase it only for one or for three years. This is so evident, that it cannot bear being controverted.

The power of the crown is very justly apprehended to be growing to a too great, if not monstrous size, and it is highly necessary that some method should be proposed for restraining it within its proper bounds. Whilst then our disease is of so complicated a nature, every well-wisher to his country must think that Mr. Sawbridge's motion is wisely calculated to remove the first and principal disorder, by giving the people their ancient right of frequent new elections

tions, which will restore the decayed authority of parliaments, and will put our constitution into a natural condition of working out her own cure.

On the Destructive Consequences of Avarice, to the well-being of Society.

Avarus ipse miseriæ causa est suæ. PUBL. SYRI *sententiæ.*

AVARICE may be considered in two different points of view, either as it coincides with the character of Cataline in Salust, *alieni appetens, sui profusus*; 'coveting the property of others, and lavish of his own;' or confined to the endless desire of accumulating wealth. The latter notion is peculiar to what is commonly denominated avarice, and in a more extensive sense may be properly defined "A passion of the mind wholly intent upon the means of acquiring more and more, and scarce ever embezzling, through fear of want, any part of what is acquired."——The depraved and unaccountable desire of mankind, especially in the light of an illicit acquisition or detention, has been always accompanied by the detestation of God and man. Holy writ furnishes us with a multiplicity of exemplary punishments inflicted on delinquents in this respect: and the precepts of moralists, the invectives and ridicule of satire, have been employed in exposing to such a degree the vice, that scarce any thing new remains to be said on the subject, unless it be from its extravagances and oddities, of which frequent instances occur in most parts of the world.

Avarice, under the influence of prodigality, lavishes continually what is acquired, and continually thirsts after more. As it influences different ways the different degrees and stations of life, it will admit of being viewed according to the diversity of the deformed faces it presents. These are obvious to any attentive person, and the mischiefs occasioned by them to society, are so much the more dangerous, as often conducted by occult methods; or if glaring, far from being sometimes censured, they are extolled and dignified by the specious titles of honour and generosity in the mouths of a crowd of depending admirers and sycophants. In general, this sort of avarice is very dangerous in a state, because it seconds admirably well the schemes of ambition, which sordid avarice, by being contracted within, and circumscribed by the sphere of timid notions, cannot, nor even dares to attempt. Certain it is, that the same heart,

as in ſome meaſure equally enamoured of both, may be capable of admitting both; but in fact it is not able to cultivate them: For, where the love of hoarding wealth preponderates, it may be judged that no great matter need be apprehended from ambition, this inordinate love of wealth being a conſtant check upon it. Avarice, however, is perhaps the ſame paſſion with ambition, and is only placed in more ignoble and daſtardly minds, by which the object is changed from power to money; or it may be, that one man purſues power in order to wealth, and another wealth in order to power; which laſt, is the ſafer way, though longer about, and by ſuiting with every period as well as condition of life, is more generally followed.

But it ſeems that a vice which keeps ſo firm a hold upon human nature, and governs it with ſo unlimited a diſpotiſm, ſince it cannot be intirely eradicated, ought at leaſt to be reſtrained to the particular objects of thrift and penury, of private fraud and extortion, and by being never ſuffered to prey upon the public, ought univerſally to be rejected as the moſt unqualifying circumſtance for any employment, where bribery and corruption can poſſibly enter. Cicero, with good reaſon in his ſecond book of offices, ſays, that "no vice appears with a more deformed aſpect than avarice, eſpecially in thoſe who are entruſted with the adminiſtration of the commonwealth; for to make a gain of the commonwealth, is not only baſe, but even wicked and abominable." Few, now at the helm of affairs, or in lower ſtations, are found to think and act with the integrity of this pagan. They ſeem for the generality to acknowledge, that two things only are deſerving of the ſtudy of a wiſe and prudent man, the care of getting, and that of hoarding. To them honour is but a bubble, and the fond chimera of young fools. Nature has worked up in their hearts the genuine principle of intereſt, which they have been ſtrenuous in improving by application, and fortifying by experience. Avarice has requited their pains with ſignal advantages, though at the ſame time they can ſtoop to the meaneſt profits. They diſcover a hundred different ways of getting, which they gladly repute ſo many different rewards of their induſtry. They always prefer the profitable before the honeſt, preſuming, that to adhere to the profitable, is to follow the intention of nature, which by a ſacred inſtinct inſpires them to refer all to themſelves. So long as they have money in their coffers, they are certain, that friends and humble ſervants will never be wanting to them. One thing is of ſingular

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uſe to them, which they are always careful to practiſe, and this is, to promiſe eternally after the manner of courtiers, and very rarely to perform, being conſcious to themſelves that it is the nature of man to endeavour to deſerve what he hopes for, while he is ſcarce ſatisfied with a donation, deeming it either compenſation for his pains, or an effect of his induſtry. They ſometimes affect to appear diſintereſted out of a ſecret deſign of intereſt; they ſometimes alſo find it convenient to ſignalize themſelves by public actions of a ſeeming generoſity, though in the main it is all but artifice. Undoubtedly they hereby think to deface the remembrance of what is paſt: the noiſe of ſo fine an action muſt oblige the world to continue in the good opinion of their generoſity, whilſt they on their ſide can pride themſelves in enjoying the fawning adulation of ſupple ſlaves, together with the approbation of ill judges.

The world, 'tis true, may be deceived for a time by ſuch an impoſing outſide, and ſome may queſtion the reality of the portrait, preſuming that ſuch an illuſtrious miſer could never exiſt in nature; but what will it be when the deceit is unveiled? If not before death, will the infamy be obliterated beyond the grave? no:—it will ſpread and be diffuſed; and all, not defiled by the contagion after an exact reflection upon life, will acknowledge, that but two things can make and keep it happy: "To moderate deſires, and make a good uſe of the gifts of fortune."

Greatneſs of ſoul cannot be conſiſtent with the ſordid baſeneſs of avarice; for what can be more unjuſt, than to heap up that which affords the conveniencies of life, and to make no uſe of it, or turn it to an ill uſe by making it ſubſervient to private intereſt, and the inſtrument of foul corruption? Again, What can be more unjuſt than to rob the public by a continued theft?—But ſtate-thieves and ſtate-robbers are honourable by profeſſion; their perſons are ſacred; no human calamities muſt afflict them; whilſt thoſe, who take away with violence in order to diſperſe with profuſion, are highly culpable and ignominious, though in fact more excuſable, their prodigality being, as it were, a kind of public reſtitution.

To give ſeaſonably and to refuſe with reaſon, would be more to the benefit of the indigent, and more to the advantage of the poſſeſſor of wealth. There is no merit in being able to over-reach or circumvent your brother in his dependance on you. Every day may bring the covetous man riches, but does not every day retrench his uſe of them? His wealth increaſes, and his ſenſes which ſhould enjoy it, decay. What is he the better for all theſe foreign advantages? What benefits does

does he reap from his genius of interest? He spends his life amidst heaps of superfluous pelf, while covetousness will not allow him the disposal, and nature deprives him of the enjoyment. His condition is surely wretched, both as to himself and others, because it must persecute him with inquietudes at home, and envy aboad.

Upon the whole, moralists seem unanimously to agree in opinion, that avarice is the great, the first and most general passions of mankind, the passion that attracts and wins hearts, or rather the potent vice that conquers the world. It is avarice that foments and gives perpetual growth to all the mad affairs that are agitated among mankind, and there is not one vicious pleasure in nature, but it may be said to be its moving spring, its incentive, and strongest ingredient.

ANECDOTE.

THE petition against subscribing to the thirty-nine articles, puts me in mind of the late Mr. Whiston, who, though a man of sense and learning, a prolific writer, and a good mathematician, was so weak as to entertain the thought of having it in his power to reform the established church. This madness, as I may so call it, was of singular prejudice to him. He sacrificed all his livings in the church and emoluments in the university to the chimerical project of re-establishing the primitive Christianity, by endeavouring to introduce the apostolical constitutions on the same footing they were in the two first ages in the christian æra. Besides striving to improve on the Arian heresy, he was exceeding fond of explaining the prophecies of the Old and New Testament. He hazarded the foretelling the precise time of the beginning of the milennium, when there was to be a community of goods, and the Jews were to be converted. After carefully calculating this period, he had the misfortune to survive his prediction. He revised his calculations, corrected his error, and again survived them. At length, after a new course of study, he fixed the time for the year 1766, which he was sure he should not see. On this occasion the following anecdote is related of him.—He was for selling a small estate, and for that purpose made application to a person, who was not ignorant how bigotted he was to his prediction. He asked thirty years purchase, at which the others affected the greatest astonishment. Whiston wanting to know the reason of his surprize, as he had asked no more than what was usual: "I do not wonder at others making such a demand, answered he, for they

they know not better; but you, Mr. Whiſton, you know before the half of that term is expired, all people will live in common, and each man's property will not be worth ſixpence."—Whiſton after a few minutes pauſe, embraced the purchaſer, and made over to him the eſtate for what he choſe to give for it.

Political Hypotheſis, *concerning a* Caſe, *which, though it has not yet happened, may poſſibly happen.*

LET us ſuppoſe a man abandoned to all notions of real virtue or honour; of no great, or of noble family; of a mean, or of opulent fortune; adopted in quality of a prince's favourite by the arts of ſervile adulation, or raiſed to be the chief miniſter of ſtate, by the concurrence of many whimſical events; afraid or unwilling to truſt any but creatures of his own making, and moſt of them equally abandoned to all notions of integrity or honour; ignorant or regardleſs of the true intereſt of his country, and ſtudying nothing but the means of enriching and aggrandizing himſelf, his aſſociates, and partizans; in foreign affairs, truſting none but ſuch whoſe education makes it impoſſible for them to have ſuch knowledge or ſuch qualifications, as can either be of ſervice to their country, or give any weight or credit to their negociations. Let us ſuppoſe the true intereſt of the nation, by ſuch means, neglected, ſlighted, or miſunderſtood, her honour and credit loſt, or expoſed to humiliations and indignities, her trade inſulted, and her ſeamen unjuſtly detained, by foreigners, in priſon; and all theſe things overlooked, only for fear his favouritiſm or adminiſtration ſhould be endangered. Suppoſe him, next, poſſeſſed of great wealth, accumulated by ſiniſter arts, and for the moſt part the plunder of the nation, with a council or ſenate, the majority of his own chuſing, and moſt of their votes purchaſed at the expence of the public treaſure: In ſuch a council, or ſenate, let us ſuppoſe attempts made to inquire into his conduct, or to relieve the nation from the diſtreſs he has brought upon it; and when lights proper for attaining thoſe ends are called for, not perhaps for the information of the particular perſons who call for them, but becauſe nothing can be done in a legal way, till theſe things be in a proper way laid before the ſenate; ſuppoſe theſe lights refuſe, theſe reaſonable requeſts rejected by a corrupt majority of his creatures, whom he retains in daily pay, or engages in his particular intereſt, by granting them thoſe poſts and places, which ought never to be given to any

but for the good of the public: upon this scandalous victory, let us suppose this favourite, or this chief minister pluming himself in defiances, because he finds he has got a senate at his devotion, ready to acquit him at all adventures: Let us farther suppose him arrived to that degree of insolence and arrogance, as to domineer over all the men of ancient families, all the men of sense, figure, or fortune in the nation; and as he has no virtue of his own, ridiculing it in others, and endeavouring to destroy or corrupt it in all.

With such a favourite or minister, and such a senate, let us suppose a prince upon the throne, either for want of true information, or for some other reason, ignorant and unacquainted with the inclinations and the interest of his people, weak, and hurried away by the suggestions of arbitrary power and insatiable avarice.—This case has never yet happened to this nation; but as it is possible it may, could there be a greater curse happen, than such a prince on the throne, advised, and solely advised by such a favourite or minister, and his creatures, and that favourite or minister, supported by such a senate.

ANECDOTE.

THE difference that arose between Queen Mary of England and the Princess of Denmark, lasted till the death of the former. During this time all the ladies of the court, and the principal lords were forbid to pay their respects to the princess. She was deprived of her guards, and every opportunity was taken to mortify her in the most signal manner. When the Queen died, King William perceived it would be indecent for him to remain longer at variance with the presumtive heir of the crown, and accordingly himself made the first advances for a reconciliation, which were accepted. Immediately after the whole court appeared very assiduous in their devoirs to her. Lord Caernarvon, who had never discontinued his respectful visits to the princess, whose apartment had been so long deserted, observing it one evening full of company, said to her quite loud in presence of the assembly. "I hope your Royal Highness will remember, that I have often had the honour to be here alone with you." These words spread confusion and blushes on every face present.

Character

Character *of* Titus Vespasian, *the Eleventh Roman Emperor, and Cæsar, proposed as a Model to all Princes.*

TITUS VESPASIAN was endued with all the qualities, which could be desired in a Prince destined for a throne: generosity, mildness, affability, and a popular way of behaviour, which, without descending from his dignity inspired confidence; and made him, at the same time, beloved and respected. Eloquence, poetry, and the philosophy then in vogue, consisting chiefly of an acquaintance with the moral obligations of life, were the occupations of his youth. Historians highly commend many poems, which he composed in Greek and Latin. He understood the military art extremely well; and though he was active, vigilant, robust, and courageous he had nothing of that hard-heartedness or ferocity, so often contracted by continually seeing blood-shed. He made his first campaigns in Germany, and accompanied his father, in quality of his lieutenant, in the war against the Jews. Vespasian having been elected Emperor, Titus was employed to continue his war, which he ended by the destruction of Jerusalem. On his return to Rome, he triumphed with his father, who admitted him into the principal functions of government, and declared him by his will sole heir of the empire.

Titus being informed that the Romans murmured at his attachment to Berenice, the daughter of the great Agrippa, he sent her away from Rome, notwithstanding their mutual affection. He then gave his whole attention to the making of his people happy. He was liberal, accessible, and held it for a maxim, that no person ought to go away sad from the presence of his prince; and one night recollecting that he had done nothing that day in the way of beneficence, he said to those at table with him, "My friends, I have lost this day!" He was not rigorous against any but informers, whom he punished with severity, to secure the repose of families. The several misfortunes which afflicted Italy during his reign, made his tenderness, and his attention to comfort his people to shine forth more conspicuously. The eruption of Mount Vesuvius ruined a great part of Campania, a fire at Rome lasted three days and three nights; and this accident was followed by the most dreadful plague that Rome had ever felt. Titus had recourse to all remedies, divine and human, and afforded the people all the relief he was able. He enjoyed that satisfaction which accompanies the constant practice of virtue. He fell ill in the country of the Sabines, where he died after a reign of little more than two years, in the 43d

of his age, and 81st of Jesus Christ. He was bitterly lamented by strangers, as well as the Romans, who gave him the title of "Deliciæ humani generis," 'the delight of mankind,' and consecrated temples, and offered sacrifices to his memory.

He used to say, "That it was a great error to think that it is enough for princes to have a superficial tincture of learning; for being established by God for the government of their people, they are obliged to learn perfectly every thing that is necessary for that end, that they may be capable of judging of things by their own knowledge, and not depend on the information of others; that it is better to be altogether ignorant, than half learned, because ignorance makes one distrust himself, and take counsel of others; whereas an imperfect and superficial knowledge fills a man with vain presumption, which is the cause, that imagining that he knows what he is ignorant of, he is perpetually falling into mistakes."

He used also to say, "That men in elevated stations of life, ought to hazard their possessions, their fortune, their places, and whatever was dearest to them, rather than be guilty or participate of the least injustice; rather than omit the least part of their duty; rather than be silent when they are obliged to speak, rather than speak, when they are obliged to be silent; rather than act, when they are obliged not to act, and rather than not to act, when there is an obligation to act."

Some seasonable Reflections on State Pensioners, *and the Legality of the* Irish Pensions.

IF we look back to what is recorded in the history of England towards the latter part of the reign of king Charles II. we shall find that the house of Commons being sensible how narrowly this nation had escaped being ruined by a sort of monsters called pensioners, which sat in the long Parliament, had entered into a consideration how to prevent the like from coming into future parliaments; and in order thereto resolved, that they would severely chastise some of those that had been guilty, and make the best laws they could to prevent the like for the future: And for that purpose a committee was appointed, of which Mr. Serjeant Gregory, afterwards judge Gregory, was chairman; by which many papers relating to that affair came into his hands.

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We cannot date from hence the æra of political corruption; we find strong symptoms of it so far back as the reign of Richard II. when the mode of packing parliaments was introduced. Who should think, that soon after the revolution, when a line was drawn between the prerogatives of the king, and the liberties of the people, when our constitution seemed to have acquired full consistence, vigour and stability, that the very men, who laboured to perfect this glorious work, could procure the nation to be delivered over to plunder to them? And who should think, that a Walpole could imagine that a family adopted to support that constitution, wanted, for their own support on the throne, to pack and debauch a parliament by places, pensions, and all the servile arts of venality and corruption? The bare-faced practice is now arrived to a pitch, in the highest degree equally shameful and detestable; and it is so pernicious in its consequences to the well-being of the state, that it ought never to be palliated, much less forgotten, or the prosecution of it deferred.

It has been often said, that England can never be destroyed but by itself. To have placemen and pensioners in parliament, was the most likely way that ever was yet invented. Some of our great lawyers, when this matter was debated towards the close of king Charles IId's long parliament, were of opinion that it was treason, and they gave many learned arguments to make it out. Whether so or not, may now be unnecessary for discussion, but it may be thought that the legislators of the nation for taking bribes, and so undermining the laws and government of this nation, ought to be chastised as traitors.

It has been commonly observed of all pensioners and placemen in parliament, that they vote of a side as directed by some great officer, and as exactly as if their business in the house had been to preserve their pensions and offices, and not to make laws for the good of them that sent them there. How such persons can any way be useful for the support of government, by preserving a fair understanding between the king and his people, but on the contrary how dangerous to bring in arbitrary power, is left to every man's judgment. So far are they from being the true representatives of the people, that they are a distinct middle interest between the king and the people; and their chief business is to serve the end of some minister, whether occult or ostensible, though never so opposite to the true interest of the nation. Reproaches and invectives against a conduct of this kind, ought never to fall; and it is the interest of the nation it should be prosecuted

from parliament to parliament, as if there was an impeachment against all pensioners and placemen in parliament, till at length the house should come to a resolution, as it was resolved under king Charles II. "That no member of this house shall accept of any office or place of profit from the crown, without the leave of this house, nor any promise of any such fice or place of profit, during such time as he shall continue a member of this house."

These reflections naturally lead us to consider what was lately agitated in the Irish parliament on the subject of pensions, by a resolution of not providing for that of Jeremiah Dyson, Esq; Mr. M'Aulay, one of his Majesty's counsel at law for the kingdom of Ireland, has stated the matter of Irish pensions, by an inquiry into their legality, printed in 1763. Having acquainted us, that a very considerable part of that heavy load of pensions had been imposed in April and May of the year 1763, and that an unlimitted power of granting pensions on that establishment to the full amount of the Irish hereditary revenue, was claimed by ministers on behalf of the crown, he thereupon remarks, that if this claim be just, Ireland's existence, as a country of liberty and property, must be at an end. That this claim is not just, he thus shews:

The amount, says he, of the civil pensions on the Irish establishment continued much the same, without any considerable variation, for about twenty years before 1756, but was in six years after almost doubled. The clear income of the hereditary revenue of Ireland, at a medium of three years ending at Lady-day 1761, amounted to 411,515 l. per annum. The danger to Ireland, from an unlimitted power in the crown over this revenue, is obvious. In the infancy of Irish trade, it amounted to so much, and may amount to double, perhaps treble that sum, if Ireland lives to maturity. How far then a power to apply so large a fund in pensions calculated for extending ministerial influence, might, in its consequences, affect Great Britain; let Britons judge.

The revenue of the crown is two-fold, a public revenue, limited to public uses, therefore unalienable; and a private revenue, not limited to any uses; but alienable or applicable as the crown thinks fit. In the latter, the crown has a private property; the same absolute unlimited property, that a private person has in his estate; but in the former the crown is a trustee for the public, and therefore has no right to dispose of it, to any other than public uses. The old opinion of some speculative men, that the crown is a trustee for

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the public, of all its property, is long exploded, nor ever had it any solid foundation. A trustee has a limited property; he cannot alien; and must dispose of the profits, according to the purposes of the trust; but the right of the crown to alien what it had by the common law (its ancient demesne-lands, forfeitures for treason and felony, &c.) was never disputed in a court of justice. 'Tis true, many grants of this kind have been set aside by Acts of parliament, as being improperly obtained; but the making of these acts clearly shews, that the grants were valid in law, otherwise there would have been no occasion for Acts of parliament to annul them.

Here, it may be proper to observe, that applying to any private use, in the way of pension or otherwise, any part of the profits or income of a revenue, is, for so much, an alienation. If the crown has a right to grant, out of any revenue, a pension to continue for a single year, or determinable at pleasure, it has a right to grant the same pension in perpetuity; if the revenue be perpetual, and if it has a right to grant out of any revenue the smallest pension in perpetuity, it has a right to grant pensions in perpetuity to the full amount of the revenue, and an equal right to sell the inheritance of the revenue, all at once, and apply the purchase-money to any private uses.

It is not pretended, that the crown has any other than a public unalienable property in the Irish temporary duties; nor, indeed, can there be any pretence for a claim of private property therein; it appearing by express words in the preambles of such of these temporary grants as are not appropriated to particular uses, that they are all intended for support of government. It therefore most evidently appears, that not only the Irish temporary duties, but also the Irish quit-rents and crown-rents, and the Irish hereditary duties which are granted by act of parliament, are all, the public, unalienable revenue of the crown, limited to public uses.

There are but three branches of the Irish revenue, prisage on wines, light-house duties, and the casual revenue, the crown is to be considered as intitled to by common law, and consequently as having a private property therein: But it does not appear that the clear income of these three branches, has ever amounted, in any one year, to 15,000 l. If so, the private revenue of the crown in Ireland, the only revenue in its nature chargeable with pensions, has never amounted to 15,000 l. in any one year, since the Irish quit and crown-rents were added to the public revenue.

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The matter then ſtands thus.——The revenue of the crown in Ireland, which can legally be charged with penſions, does not amount to 15,000l. per annum, probably not to ſeven; and the penſions on that eſtabliſhment (excluſive of the French penſions, the military penſions, the penſions to widows of military officers, and the penſions granted under the diſguiſe of ſalaries annexed to uſeleſs offices, a miniſterial ſtratagem of the moſt dangerous tendency) amounted to 64,127l. per annum, at Lady-day 1761, and ſince they have been increaſed.

Theſe facts, ſays Mr. M'Aulay, are indiſputable; and indeed, the reaſoning ſeems grounded on eſtabliſhed principles of law and common ſenſe, and the conſequence is obvious;—not a ſingle penſion on the Iriſh eſtabliſhment warranted by law.—All clearly illegal. It is true the crown has an undoubted right to charge its private revenue with penſions of any kind, for any term, or in perpetuity, to the full amount of this revenue; but it is equally true, that the grant of any penſion not chargeable in law on the public revenue, and yet charged in fact on the revenue at large, (comprehending as well the public as the private revenue of the crown) is clearly againſt law. The crown is deceived in the grant, and therefore not bound by it.

Augmenting ſalaries annexed to public offices, whether civil or military, in proportion as money falls in value, has, at different periods of time, become requiſite for the better ſupport and maintenance of government, and the defence and preſervation of the kingdom. A reaſonable increaſe of ſalaries annexed to offices of real public uſe, is, in reality, part of the public charges and expences; but it cannot be ſaid that a penſion of any kind is to be conſidered in this light, whether granted as a generous reward for paſt ſervices done to the public, or from any other motive.

The ſenſe of the legiſlature of Ireland upon the point, clearly appears in the hearth-money act. Though this revenue, by the preamble of the act, is to be applied to public uſes, 'the public charges and expences;' yet the clauſe therein, annulling penſions, contains no exception in favour of penſions granted as rewards for public ſervices. This clearly ſhews, that the legiſlature did not conſider ſuch penſions as any part of the public charges; if they did, the act would be inconſiſtent of itſelf.

We have alſo the ſenſe of the Engliſh legiſlature to the ſame effect. The act of the 11th and 12th William III. after converting the private property of the crown, in the

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Irish quit and crown-rents, into public property for public uses, adds a clause, aunulling all pensions without exception, charged or to be charged thereon. Hence nothing can more evidently shew, that pensions of all kinds were intended by both legislatures to be excluded from the uses, to which the public revenue of Ireland stands limited. They wisely foresaw how any exceptions in favour of pensions grounded on public merit might be abused by servants of the crown, and misleaders of the people.

This may suffice to obviate an objection, much relied on; "That expending a competent part of the public revenue in pensions, from a principle of charity or generosity, adds to the dignity of the crown, and is therefore useful to the public."—Perhaps the granting of pensions may dignify the crown, in the estimation of some people; but be that as it may, the foregoing observations upon the Irish hearth-money act and the English act of 11th and 12th William III. clearly shew, that charging the public revenue of Ireland with pensions, is contrary to the intention of both legislatures; that is, in other words, contrary to law.

Here, it is observable, that a certain modern species of Irish pensions stands condemned by this objection. If the granting of pensions be useful for maintaining the dignity of the crown; pensions granted for lives or years, whether in possession or reversion, tend to lessen the dignity of the crown in succeeding reigns, and are therefore injurious to the royal successors, to the nation of Ireland, and to every nation in the British dominions. Some new kind of sophistry must be invented, to frame a plausible apology for the advisers of such pensions, being in fact obtained to serve the corrupt purposes of ambitious men, and to debauch his majesty's subjects of both kingdoms, that men of Ireland may betray their own country, and men of England, both.

Such is the substance of what some years since Counsellor M'Aulay delivered to the public, and which indeed is not inapplicable to the present occasion, as nothing can be fitter for the deliberation of a national council, than to take into consideration how to punish those, who have proved the pest of, and almost ruined the nation; and how to prevent the like mischief for the future. The name of a pensioner is very distasteful to every English spirit, it includes the idea of every thing base and mean in it, and argues a breach of trust, than which nothing can be more infamous. Robbery and stealing our law punishes with death, and what are they deserving of, who beggar and take away all that

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the nation has, under the pretence of disposing of the people's money for the honour and good of the king and his dominions? And if nothing more than this was to be said, they deserve without doubt a high censure.

Besides giving away vast sums, without any colour or reasonable pretence; there is this great mischief likely to ensue. Every man very well knows that granting pensions puts a king of England into an extraordinary way of expence; and therefore when he has not great supplies, it must of necessity bring him into great want and need; and may not only give him an ill opinion of all parliaments, that do not supply him extravagantly, but perhaps put him upon thinking of ways to get money that otherwise would never have entered into his thoughts; so that whatever ill may happen of this sort, pensioners and superfluous placemen are answerable for it.

In another point of view, pensioners and placemen lay us open to all our enemies: whatever bold invader may attempt to come among us, need not despair of success; for they have taken from us the sinews of war, that is, money and courage. When our money is all gone, when the nation's treasure is exhausted, and when the people are poor and distressed by a load of vexatious taxes, their spirits must of course be low; so that we may be left without a defence; and whom must we thank for bringing us into this despicable condition, but those gentlemen, who notwithstanding have the face to style themselves the King's friends, and to treat all those who oppose their malversations and destructive practices, as factious and seditious.

In the time of Henry VIII. about the 20th year of his reign, when the parliament was active against pluralities and non-residence, an act was passed to release to the king all such sums of money as he had borrowed at the loan, in the 15th year of his reign. This is said to have been much opposed, but the reason given why it passed is, because the house was mostly composed of the king's servants, which gave great disturbance to the nation: and this perhaps is the only case that comes near to our present set of placemen and pensioners; yet we cannot find that they, or any parliament before them took money to vote; so that we must conclude there were never any pensioners in parliament till the reign of Charles II. and from thence downwards, in accelerated ratio of the descent of heavy bodies, to the present time.

What then must be done? must they escape? must they go unmolested with their booty? They have given up the government, they have perverted the ends of parliaments.

Free and unbiassed parliaments have been, and are the great refuge of the nation, the only remedy which cures all its diseases, and heals all its sores; but these men have made parliaments a snare to the nation, and at best have brought them to be an engine to money; if therefore they go away unpunished, what they have done we must be said to have countenanced and to have pensioners in every parliament while we submit as a nation. Would it not be advisable to deal with them, as was proposed against the pensioned parliament of Charles II.

"That every man of them shall on their knees confess their fault to all the commons; and that to be done at the bar of the house one by one.

"That as far as they are able, they refused all the money they have received for secret services. Our law will not allow a thief to keep what he has got by stealth, but of course orders restitution. And,

"That they be voted incapable of serving in parliament for the future, or of enjoying any office civil or military; for it is not fit that they who are so false and unjust to their trust, should ever be trusted again, that so a sufficient mark of infamy being set on them, the people may know who bought and sold them."

The Absurdity, Impolicy, and Inutility of reducing the Taxes on SOAP, CANDLES, &c.

To Lord NORTH.

La virtue est la seule noblesse. Lord North's Motto.

My Lord,

IT is an opinion which at present prevails almost universally, that you really practise what you profess. What has for ages been thought an utter impossibility with ministers, is admitted in your lordship. A true sense of virtue, and a due attention to politicks, were ideas so contrasted, as to be thought as opposite as the poles. And indeed, my Lord, to this notion, strange and absurd as it was, the conduct of statesmen has given no small support. Time, which places all things in a true point of light, has shewn that virtue, and the true interest of the state are not, as they have been long thought, incompatible: And we are happy to find the strongest proof of it in Lord North's administration; for which period the union of private Worth and *real* Patriotism seems to have been reserved.

But, my Lord, although men of ſenſe and candour ſee and admire the virtues of the man, and the ſagacity of the miniſter in general, yet there are particular points in which they do not intirely coincide with your Lordſhip in opinion, and I beg leave to ſuggeſt, with the utmoſt reſpect, in what they differ, to your Lordſhip's conſideration.

We are told (and the benevolence of your diſpoſition inclines us to credit it) that your Lordſhip has been inceſſantly employed to reduce the taxes which moſt immediately affect the labourer, and to find an equivalent for purpoſes of the ſtate. My Lord, an humane man would wiſh to relieve the poor, and a politick man would rejoice to promote the manufactures and trade of his country, by leſſening the price of labour. But, my Lord, although I will not cede to any man with regard to the tender ſenſations of humanity, nor reſign the palm to the moſt zealous aſſertor of my country's intereſt, yet I cannot ſubſcribe to the opinion of thoſe who are for the reduction of taxes on Soap, Candles, &c.

Methinks I ſee your Lordſhip in a poſture of aſtoniſhment at the aſſertion; and ſo you well may, becauſe the laws of humanity and policy ſeem to ſtare me in the face—I ſay they *ſeem* to militate againſt my aſſertion, but upon a little reflection I apprehend they will be found to ſubſcribe heartily to my doctrine. I hope the drift of this letter will not be miſtaken. I give you credit for the goodneſs of your heart, without any invidious deſign to rob you of the merit of any humane action. Popularity is pleaſing, and may be deſirable; but it ſhould be that ſort of popularity which ariſes from the conviction of men of ſenſe and virtue, and not from the unthinking voice of the multitude, who, having no foundation in knowledge, judge, talk, and act at random, ſhifting about like the vibrations of a weather-cock. Deſigning men will court the noiſe of the unthinking rabble, to gratify their own purpoſes at the expence of their country; like the incendiary, who ſets his neighbour's houſe on fire, in hopes of profiting by the confuſion. But miniſters of real abilities and probity, will wiſh only for the approbation of the ſenſible and candid part of the community. For although it may not be politick to appear odious to any ſet of men, yet it would be culpable, and perhaps a criminality againſt the ſtate, to gratify their unreaſonable paſſions at the expence of one's underſtanding.

The diſorder of the body politick, like the diſeaſe of the body corporate, is often *un mal imaginaire* that requires more the comic powers of a Moliere, than the art of the Faculty.

Our miniſters had the acuteneſs to ſee it in this light, and the ſagacity to heal the great ſource of grievances rather ludicrouſly than ſeriouſly, whereby they have, in my opinion, ſhewn great judgment and great virtue. For although there will always be found in the beſt policed ſtates, as well as in the beſt regulated ſocieties, things which are grievous to ſome men's diſpoſitions and views, yet, my Lord, it was my real opinion from the beginning, from the very birth of theſe noiſy complaints, that the *Oppoſition* formed upon that ſandy foundation, againſt the miniſtry, was like *a fire of ſtraw*, which, however troubleſome the ſmoke might be for a while, would ſoon extinguiſh itſelf. And this is really and happily the caſe at preſent, on which I congratulate the true friends of this nation.

As this fortunate event has been accelerated by your Lordſhip's wiſdom, you may with modeſty claim great merit; yet it ſeems your Lordſhip is not ſatisfied with this reward, but ſeeks a further gratification in the applauſes and admiration of *every* claſs of men.

It is ſaid Lord North aims at popularity, by reducing certain taxes. The deſign may be benevolent, but I apprehend the execution will not be politic or even juſt. The firſt object of government, according to that well known maxim, is *ſalus populi*. Private conſiderations muſt cede to thoſe of the ſtate. Upon this principle I am bold enough to affirm, that taxes which are already impoſed and diſpoſed of, ſhould not be *parted with*, whilſt they are wanted, and that they muſt be wanted, and greatly wanted too, by a government ſo much in debt, requires no extraordinary capacity to demonſtrate. I do not therefore know of an idea more abſurd, or more extravagant, than to reduce our taxes whilſt our debts are accumulating; this is like a bankrupt's deſtroying his effects to diſcharge the demands of his creditors. The reduction of taxes whilſt they are much wanted, may make Lord North popular, but will be a poor compliment to the wiſdom of his adminiſtration. All miniſters would be popular were they to make ſuch ſacrifices: in proportion as they were raiſed by ſuch methods in the opinion of the vulgar, they would ſink in that of the judicious; who know that the ſecurity and credit of the ſtate muſt be the firſt things provided for, though never ſo inconvenient to individuals. The ſtate would be prejudiced by this meaſure, and the ſubject not benefited. For as neceſſity is the mother of invention, ſo when things are dear, it keeps the human mind active, and is a ſpur to induſtry. Whereas an injudicious indulgence would have a contrary effect. I

speak in general, and in that sense, I believe men of experience and candor will allow my doctrine to be just.

Whatever may be said of the price of Soap and Candles, it is pretty evident, from the number and success of publicans, that those who go under the denomination of labourers, have in general more *beer* and more *leisure* than is necessary to promote industry, and to provide for the real support of their families. As this is undeniably the case, may we not, without breach of charity, suppose that the cheapness of Candles and Soap will be such an indulgence, as will only tend to encrease their pots of beer, and hours of leisure, to the great injury of themselves, and the detriment of society? Let it, however, be supposed for the sake of argument, that I am mistaken about the beer and leisure, and that the labourer would wish to turn the cheapness of Candles and Soap to his advantage; yet is this to be done? In proportion as the necessaries of life are cheap, will not the master regulate the prices of labour so that the advantage would be pocketed by the wealthy, and not by the poor artisan, which I am sure is contrary to your Lordship's humane design. In short, the rich employer, and the undeserving publican, would run away with the whole of this reduction; and therefore, since the reduction would do a great disservice to a necessitous state, and perhaps as much disservice, upon the whole, to those very people for whose immediate welfare it was designed; I hope the greasy subject of Soap and Candles will be laid aside, to make room for considerations that more immediately and more essentially concern us as a trading country.

The justly admired COLBERT was more studious to render his country *flourishing* than to reduce taxes. He was sensible that the latter were in a great measure occasioned by inattention to the former, and that, like cause and effect, taxes depended, and must necessarily be regulated by the true state of the public finances, and not by the humanity and will of the minister. That single cause will be productive of every wished-for effect. Enrich the individual by *natural* means, and he will chearfully and abundantly contribute to the necessities of the state. The evil does not lie in the tax, but in the *inability* to *pay* it. When men are *wealthy* the burthen seems light; it is their *poverty* which makes it heavy. No matter *what* the tax is *when* the subjects can afford to bear it. Besides, when the nation flourishes, taxes will become proportionably unnecessary, because the natural and larger contributions of trade and commerce, by encreasing our finances,

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will sufficiently provide for the debts and other expences of government.

We may therefore reasonably hope that Lord North, after the example of the illustrious Colbert, will attend to the cause more than to the little effects, and be more attentive to the condition of our manufactures and commerce than to the reduction of taxes, which cannot, either with prudence or safety be parted with in the opinion of

CORIOLANUS

GRENADA, *December* 7.

ON Tuesday last the Honourable the Council met pursuant to a summons of his Excellency, who presented to the Board his Majesty's mandamus appointing Charles Nicholas de Chanteloup, Esq; a new-adopted Roman Catholic subject, to be a member of the same, when all the members present unanimously opposed his admission, and retired on that gentleman's being called to be sworn in: in consequence of which, his Excellency has been pleased to suspend them, as appears by the following copy of the suspension.

By his Excellency WILLIAM LEYBORNE LEYBORNE, Esquire, Captain General and Governor in Chief, in and over his Mejesty's Southern Caribbee-Islands of Grenada, the Grenadines, St. Vincent, and Tobago, Chancellor, Ordinary, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS CHARLES NICHOLAS DE CHANTELOUP, Esquire, did present to me a mandamus under his Majesty's sign manual, appointing him one of the members of his Majesty's council of the islands of Grenada and the Grenadines: *And whereas*, at a meeting of the members of his Majesty's said council for the said islands of Grenada and the Grenadines, held in the Council-Chamber in the town of St. George, on the third day of this instant December, I did direct the said mandamus to be read, and in pursuance thereof, ordered the Provost-Marshal to call in the said Charles Nicholas de Chanteloup (who was attending for that purpose) to be sworn in a member of the said council: *And whereas*, The Honourable Patrick Maxwell, John Melvill, John de Ponthieu, Robert Maclellan, and Israel Wilkes, Esquires, being all the members of his Majesty's council then present in the island of Grenada, did object to, and refuse, to swear in,

in, the said Charles Nicholas de Chanteloup, a member of his Majesty's council, in disobedience of his Majesty's said mandamus; and wilfully absented themselves from the council (notwithstanding they were admonished by me, that the consequence of such disobedience would be their suspension from being counsellors) for which said disobedience, refusal, and absence, I have suspended the said Patrick Maxwell, John Melvill, John de Ponthieu, Robert Maclellan, and Israel Wilkes, Esquires, and each and every of them; and I do hereby* suspend them the said Patric Maxwell, John Melvill, John de Ponthieu, Robert Maclellan and Israel Wilkes, Esquires, and each and every of them, from sitting in and being of his Majesty's council, and they the said Patrick Maxwell, John Melville, John de Ponthieu, Robert Maclellan and Israel Wilkes, Esquires, andeach and every of them, are, and is, hereby suspended accordingly, from being members of his Majesty's said council.

GIVEN under my hand this 3d day of December, in the year of our Lord one thousand seven hundred and seventy-one.

WILLIAM L. LEYBORNE.

* In all former suspensions, these words were added "during the King's pleasure;" this therefore is a new and abitrary stile.

The late Members of the Council give the following Reasons for their conduct, which they desire us to publish:

Because, WE think that the many acts of parliament which restrain the crown from employing in places of trust and power, all persons whatsoever who profess the Roman Catholic Religion, are not to be dispensed with by any prerogative of the king; and that the inability all such persons are at present in, by law, of holding offices, is not any otherwise to be removed, but by an act of parliament of Great-Britain.

Having thus stated in our opinions, what are the laws of Great Britain, on this head, we are sorry to be obliged, on this occasion, to assert our indisputable right to the possession of every law and liberty of our mother country, that is not inconsistent with the due subordination of a colony to the parent state, for the general good of the whole; neither do we at this time unnecessarily claim these our rights, but are compelled thereto; because, to our great astonishment, we find them denied, and many of the measures adopted here are justified on contrary principles; such as the king's power over us, by right of conquest, and by his prerogative. The bounds of

which, as ascertained by law in England and in other colonies of America, we are told, do not extend to us the inhabitants of Grenada. Our reason for esteeming ourselves in the full possession of every English privilege and liberty as our native birth-right, and as confirmed to us by particular laws, are the following:

Because, Every king of England, at his coronation, swears, to govern the people of the kingdom of England and the dominions thereto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same, Now, if we are included in the words of this oath, the dominions thereto belonging, these our liberties have been further confirmed to us, by our gracious King, with every sanction and solemnity of law, that can give stability and authority to any action of government, by his instructions and orders to our governors, by his royal proclamation and by his letters patent under the Great-Seal. In the proclamation then, for improving and better regulating the countries and islands ceded to the crown of Great Britain, by the treaty of Paris; it is said, speaking of Grenada and our other acquisitions in the late war: "AND whereas it will greatly contribute to the speedy settling our new governments that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those, who are, and shall become inhabitants thereof: we have thought fit to publish and declare, by this our proclamation, that, we have in the letters patent under our great-seal of Great Britain, by which the said governments are constituted, given express power and direction to our governors of our said colonies, respectively; that so soon as the state and circumstances of our said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments, respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government: and we have also given power to our said governors, with the consent of our said councils and the representatives of the people, so to be summoned as aforesaid; to make, constitute, and ordain laws, and statutes, ordinances, for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England; and under such regulations and restrictions as are used in other colonies. And in the mean time, and until such assemblies can be called as aforesaid; all persons inhabiting in or resorting unto

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our said colonies, may confide in our royal protection, for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great-seal, to the governors of our said colonies, respectively, to erect and constitute, with the advice of our said councils, respectively, courts of judicature and public justice, within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England."

Because, By the commission under the great-seal, dated the 9th of April, 1764, to Governor *Melvill*, to establish and administer the civil government of this colony, it is expressly required, that all persons in the council and assembly, and in all public offices whatsoever, should take the oaths of allegiance, abjuration, and supremacy, and make and subscribe the declaration against transubstantiation; and it was on this commission, that the civil government of this colony was actually, completly and, we trust, permanently established; by the appointing of a council, the calling and meeting of several assemblies, the erection of courts of judicature and justice; all whose members, judges, ministers, and officers, complied with all the requisites, prescribed in and directed by this commission, which the known established charter of this colony: such then of the parts of this commission, as concern the rights, liberties, immunities, and freedom of the people, the form and mode of government, and the establishment, preservation, and security of the religion of the church of England, as by the laws of England established, cannot now be altered, annulled, repealed, or revoked, by any commission of a contrary or different import, or by any other act whatsoever, done by the sole authority of the crown, and without the consent and concurrence of the Lords and Commons of Great Britain.

It is on a similar commission that the constitution of several of the colonies and provinces on the continent of North America, and of most or all of the neighbouring islands depends, and in no one of those constitutions (although several of the colonies were acquired by conquest) hath any alteration been at any time attempted by the prerogative of the crown.

Because, By the act of settlement of the 12th year of king William the IIId. on which it is very well known, His Majesty's title to the crown of Great Britain is founded: It is provided, that no person, born out of the allegiance of the crown of England, even although he be naturalized or made a denizen, should be capable to enjoy any office, or place of trust,

truſt, civil or military. And by an act of parliament of the 7th and 8th of William III. Cap. 22, it is ordained in particular, That all the places of truſt in the courts of law, or reſpective treaſury offices in the plantations, ſhall be only in the hands of natural born ſubjects of England or Ireland, or of the ſaid plantations. Expreſſions, which in relation to the context of the whole act, and according to all legal principles and conſtruction; and by analogy, with all other laws for limiting the poſſeſſion of offices to natural-born ſubjects, muſt, we apprehend, be taken to be equivalent to, and to mean, ſubjects born under the allegiance of the crown of England in England, Ireland, or the iſlands, and cannot be meant to include the inhabitants of Grenada, born while it was under the dominion of the crown of France, as has been aſſerted. Now, the council of Grenada, with the governor of this iſland, compoſe a court of juſtice called the court of error, of which court, this gentleman born out of the allegiance of the crown of Great Britain, muſt consequently be a judge, if he is admitted of the council; and how contradictory this is to the two acts of parliament cited above, We leave all mankind to judge; and to the laſt of theſe two acts, every governor of this colony is particularly ſworn to pay obedience at his entering into office.

Becauſe, By the act of the firſt of William and Mary, S. 2, C. 2, which preſcribes the conditions upon which the crown is held, the pretended powers of ſuſpending and diſpenſing with laws, or the execution of laws, by regal authority, without the conſent of parliament, is agreed and declared to be utterly and directly contrary to the known laws and ſtatutes, and freedom of the realm.

Becauſe, When it has been thought expedient by government to employ foreigners in America, and to encourage them to ſettle there, recourſe was uſed to be had to parliament to enable the crown to do what otherwiſe by law could not be done, of which we ſhall only cite two inſtances as ſufficient. In the 13th year of the late king, an act was paſſed by which foreign Proteſtants, reſiding ſeven years in any of his Majeſty's colonies, were intitled to the privileges of natural-born ſubjects in the ſaid colonies:—and early in the late war, in the 29th year of George II. an act paſſed to enable the king to employ a certain number of foreign proteſtants to ſerve as officers in America only. Thus it appears, that the king's powers to diſpenſe with the laws, has no more exiſtence in America than in Europe, and can never be juſtified here, unleſs it can be made appear, that the king is king in Grenada,

da, upon different conditions, and with powers not assumed or pretended to in his other dominions.

Because, It is plain, that the same power that can constitute two Roman catholic counsellors, and three members of the assembly, and one judge, may, whenever he pleases, make every member of the council and assembly, and all the judges of Roman catholics, the legality of one case being just as plain as the other.

Because, We believe ourselves justified in this our opinion, that the power of the crown is bounded by law, in the liberty to be allowed the Roman catholics, by the words of the definitive treaty of peace made in February 1763, which in the 4th article, are as follow: "His Britannic "Majesty agrees to grant the liberty of the Roman catho-"lic religion, to the inhabitants of Canada; he will con-"sequently give the most precise and most effectual orders "that his new Roman catholic subjects may profess the "worship of their religion, according to the rites of the "Romish church, as far as the laws of Great Britain per-"mit." And in the 9th article of the said treaty, this clause is extended in the same words to Grenada, and the Grenadines. Thus does our king, with a magnanimity worthy of a British king, in a solemn treaty of peace, and speaking to the kings of France and Spain, and to the whole world, avow, that he is limited by the laws of his kingdom, in the degrees of Indulgence that he can impart to his Roman catholic subjects; and makes use of words that would be absurd, if the crown had the powers that the present advisers of this measure suppose inherent in it; for surely, in a treaty with foreign powers, the king would not disclaim any of his legal rights and prerogatives.

Because, It has been solemnly determined at a court of Common-Pleas of this island, in the month of June of the present year, that the last assembly held here, in which three Roman catholics had sat as members, was an illegal assembly and had no authority to make laws; and a jury on the La Baye Cause, found a verdict against the Provost-Marshal, for levying on a person who refused to pay a tax imposed by that pretended assembly. Now if any future assembly, in which Roman catholics are admitted, should be convened and pass acts, we cannot but apprehend, that the most fatal consequences thereof, will be endless disputes and lawsuits, and uncertainty of property throughout the island and its connections at home. We must add here, that should there be an assembly now called, in which it might happen that

no

no Roman catholic had a seat, the same evils would have followed, our consenting to admit this Roman catholic gentleman, to be a member of the council, as the council have an equal authority in making the laws with the assembly, and must be equally legally constituted to make those laws valid.

We are far from being actuated, upon this occasion, by any partial, national, selfish, or illiberal prejudices, relating to the new subjects; but in the spirit of true liberty, desire the blessings of our free constitution and happy form of government, may be extended to all our fellow-subjects equally with our ourselves; but we must think it very hard, to be deprived of our franchises and rights, by means of these measures, and instead of having the satisfaction of seeing these formerly French subjects exalted into English freemen, to find ourselves sunk into the state of the subjects of arbitrary crowns, where the will of the king is the only law of the land, and can change at pleasure both the laws and legally established form of government.

PARLIAMENTARY PROCEEDINGS in IRELAND.

February 4, 1772.

This day the house of commons met according to adjournment, from the first of January. The speaker having taken the chair, sundry orders of the house, for resolving itself into committees, to consider several bills which lay over from the last meeting; but the business of the house occasioned them all to be postponed.

Sir George Macartney then arose, and told the house, that as he had informed it of his Excellency's resolution, to proceed no farther in relation to the new commission (for dividing the revenue board into two different boards, one of customs, and one of excise, and appointing five new commissioners) until his Majesty's further pleasure was known, that now he had to acquaint the house, that his Majesty had sent further orders to proceed therein, and the new commissions were passing the great seal.

When he had sat down, the house was silent for some minutes. Alarm, confusion, and indignation were painted on the countenances of most of the members present; at length Mr. Cramer arose, and moved that the resolution of the house on this business, when first brought before it, might be read. This motion being agreed to, the resolu-

tion was read, and it appeared that it was the opinion of the house, that the present commissioners of the revenue were sufficient to transact the business thereof. That this resolution had been carried by the whole house, and by the Speaker had been laid before the Lord Lieutenant, [who had promised to transmit it to England.]

When this resolution was read, Mr. Lodge Morris arose, and said "he did not arise to impeach the Right hon. member who had dared to bring such a message to that house; a piece of information that must strike indignation and dismay into the breast of every upright member of it. But as so few were then present, he moved that the consideration of this affair might be postponed till next Tuesday, on which day there would be a call of the house.

Mr. Brownlow arose to request that the hon. gentleman would inform that house what new lights had arisen, to make that measure then expedient and proper, which that house had solemnly declared to be very improper. He said also, that from the confusion and trepidation with which the right hon. gentleman informed the house of this extraordinary step of government, it appeared that he was very much embarrassed in the execution of his orders; and that that gentleman was not to be blamed for what he had said, as it was merely in execution of his office.

Mr. Ponsonby declared his abhorrence of this new insult on the parliament of Ireland, in the strongest terms. He said, that it was absolutely striking at the very essence of the house, to proceed in contradiction to its solemn resolution, on the question of which, there was a majority of no less than forty-six. That he should move when it came before them on Tuesday next, that a committee of that house should be appointed to wait on his Majesty himself, to give true information of the real state of this kingdom, and beseech him not to proceed further in this measure, as it was certain that false information had been given to the king, who was too good to lay unnecessary burthens upon his people of Ireland, if he knew their real condition—and if nothing else would do, but that this commission was to be forced upon them, he would, himself, move not to make any provision for the expence incurred by an opposition to the resolutions of the house. Mr. Connolly spoke in support of what Mr. Ponsonby had said. And Sir Lucius O'Brien requested to know, whether they were to look upon the information they had received as a message from the Lord Lieutenant, or only a notification from the secretary?

Mr.

Mr. Monck Mason (who is to be one of the new commissioners) said the information came very properly from the right honourable gentleman, as he was the person who had given the former notices to the house on this affair.

Sir George Macartney said it was not a message, but only a notification which his Excellency had ordered him to make; upon which, Sir Lucius O'Brien said, since it was denied to be a message, he could not tell whether it was properly before the house or not.

Mr. Brownlow then moved, that the proceedings relative to this affair, should be laid before the house on Tuesday next. This was agreed to, and Mr. Ponsonby observed, that though Sir George in his first speech only gave it as an information, in his second he owned it to be in consequence of an order from his Excellency. Mr. Mason rose again in defence of the propriety of Sir George Macartney's conduct (not in the defence of the measure itself.) Mr. Lodge Morris advised to drop any further debate, as the adjournment thereof was agreed to; and then Mr. Cramer having moved that the king's last letters should be laid before the house next Tuesday, and the motion being agreed to, the house adjourned till next day.

An Account of the great Debate in the House of Commons, concerning the Thirty-nine Articles of the Church of England.

SIR William Meredith, who had been persuaded by the clergy and others, praying for relief in the matter of subscription to the thirty-nine articles, to undertake their cause, moved the house for leave to bring up their petition in the following strain:

Mr. Speaker,

WHEN I inform the house that the subject of the petition which I hold in my hand, is religion, a matter of a grave and serious nature, and that it is signed by two hundred and fifty grave and respectable men, I think I need not make use of any other argument to bespeak your indulgence. Solicited as I have been, and inclined as I always am to promote the redress of national grievances, I could not on this occasion help stepping forth to the assistance of tender consciences, and I will say, of injured truth. The thirty-nine articles of the church of England were framed, when the spirit of free enquiry, when liberal and enlarged notions were yet in their infancy. That submissive and slavish turn of mind, which is the characteristic of Popery, the implicit deference

deference which it prescribes to superiors, still cramped and fettered the humane mind. The sovereign or directors of his conscience, or his archbishop, or his prelate, dictated an article of faith; and the rest of the clergy received it perhaps with reluctance, but without daring to complain, much less to oppose. Is it not then reasonable to suppose, that the thirty-nine articles are not so perfect as they should be, or as they might be? Is it not natural, from this circumstance, to conclude, that they do not breathe that air of freedom, that liberal spirit, which they might have acquired, had they been properly examined and discussed, like other questions, in the great council of the nation? I think we may safely draw this conclusion *a priori*, without attending to any other point, but the history of their formation. But when we come to read, and to weigh deliberately in our own minds, how much stronger does the argument become? Several of the articles are absolutely unintelligible and indeed contradictory and absurd. Human reason and common sense, by which alone we can judge of revelation itself, revolts against them; and I will be bold enough to say, that there is not a clergyman in England, who thoroughly believes them in the literal and grammatical sense, as he is required by the nature of his subscription: is it not then a great oppression, thus either to wound tender consciences, or to keep them entirely out of the church? To me the matter appears in that light; and as I know that this house ought always to be ready to redress grievances of the subject, and in fact must redress them, in this instance, if they are at all redressed, I think that the petitioners have with great propriety and judgment applied to this house. Were the proposed reform a matter of slight and trivial nature, were there in our creed no tenets, no dogmas, that had any pernicious effects upon society, I should be less sanguine. But the fact is, that there are several, which are damnable, not only in a religious and speculative light, but also in a moral and practical view. Hence many of our most learned divines, the great lights of the church and bulwarks of the reformation and protestantism, wish that *we were well rid of them*. Hence the murmurs and complaints, which at their first promulgation they produced, and ever since perpetuated. Hence the present petition, which, were it not for reasons obvious to this house, would, instead of two hundred and fifty names, have had the sanction of thousands. But let me communicate to the house the substance of it. Creeds and confessions are according to it mere human compositions, and therefore usurpations

usurpations upon the right of private judgment, which no man can give up without offending God and his conscisnce, and incurring the guilt of prevarication and hypocrisy. The scriptures are the law of God, and therefore infallible and indispensably obligatory upon a christian. For this reason let the scriptures be the only test, the only confession of faith to which subscription is required from the teachers of the gospel, or from any other class of men. Put a stop to the practice of making the young scholars at our universities subscribe to articles, which they come to study, and not to subscribe. Before matriculation they are at one university obliged to perform this ceremony at sixteen, and at the other before that period. Is not this the way to make them imagine that all subscription and oaths are a matter of mere form, and have in them nothing sacred or essential? Surely such a plan of education is very little calculated for making them good members of society. Were there no other objects of consideration offered in this petition but this single fact, I think it alone would be sufficient to command your attention, and to induce you to let it be brought up. I move therefore for leave to present this petition, that it may be read by the clerk, and afterwards discussed by this great assembly.

Sir Roger Newdigate said it was necessary the mover should read the petition.

Sir William Meredith read the petition, as follows.

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble PETITION of certain of the CLERGY of the CHURCH of ENGLAND, and of certain of the Professions of Civil Law and Physic, and others, whose names are hereunto subscribed,

Sheweth,

THAT your petitioners apprehending themselves to have certain rights and privileges which they hold of God only, and which are subject to his authority alone.—That of this kind is the free exercise of their own reason and judgment whereby they have been brought to, and confirmed in, the belief of the christian religion, as it is contained in the holy scriptures. That they esteem it a great blessing to live under a constitution which, in its original principles, ensures to them the full and free possession of their faith, having asserted the authority and sufficiency of holy scripture in "all things necessary to salvation; so that whatsoever is not

read

read therein, nor may be proved thereby, is not to be required of any man that it ſhould be believed as an article of the faith, or be thought requiſite or neceſſary to ſalvation." That your petitioners do conceive that they have a natural right, and are alſo warranted by thoſe original principles of the reformation from popery, on which the church of England is conſtituted, to judge in ſearching the ſcriptures each man for himſelf what may or may not be proved thereby. That they find themſelves, however, in great meaſure, precluded the enjoyment of this invaluable privilege by the laws relating to ſubſcription, whereby your petitioners are required to acknowledge certain articles and confeſſions of faith and doctrine drawn up by fallible men, to be, all, and every of them, agreeable to the ſaid ſcriptures. Your petitioners therefore pray, that they may be relieved from ſuch an impoſition upon their judgment, and be reſtored to their undoubted right as proteſtants of interpreting ſcripture for themſelves, without being bound by any human explications thereof, or required to acknowledge by ſubſcription or declaration, the truth of any formulary of religious faith and doctrine whatſoever, beſide holy ſcripture itſelf.

That your petitioners not only are themſelves aggrieved by ſubſcription as now required (which they cannot but conſider as an encroachment on their rights, competent to them both as men and as members of a proteſtant eſtabliſhment) but, with much grief and concern, apprehend it to be a great hindrance to the ſpreading of Chriſt's true religion. As it tends to preclude, at leaſt to diſcourage further enquiry into the true ſenſe of ſcripture, to divide communions and cauſe mutual diſlike between fellow proteſtants; as it gives a handle to unbelievers to reproach and vilify the clergy, by repreſenting them (when they obſerve their diverſity of opinion touching thoſe very articles which were agreed upon for the ſake of avoiding the diverſities of opinion) as guilty of prevarication, and of accommodating their faith to *lucrative* views or *political* conſiderations; as it affords papiſts, and other diſaffected to our religious eſtabliſhment, occaſion to reflect upon it as inconſiſtently framed, admitting and authoriſing doubtful and precarious doctrines, at the ſame time that holy ſcripture alone is acknowledged to be certain and ſufficient for ſalvation; as it tends (and the evil daily encreaſes) unhappily to divide the clergy of the eſtabliſhment themſelves, ſubjecting one part thereof, who aſſert but their proteſtant privilege to queſtion every human doctrine, and bring to the teſt of ſcripture, to be reviled as well from the pulpit as the

 preſs,

preſs, by another part who ſeem to judge the articles they have ſubſcribed to be of equal authority with holy ſcripture itſelf. And laſtly, as it occaſions ſcruples and embarraſſment of conſcience to thoughtful and worthy perſons, in regard to entrance into the miniſtry, or chearful continuance in the exerciſe of it.

That the clerical part of your petitioners, upon whom it is peculiarly incumbent, and who are more immediately appointed by the ſtate to defend and maintain the truth as it is in Jeſus, do find themſelves laid under great reſtraint in their endeavours herein, by being obliged to join iſſue with the adverſaries of revelation, in ſuppoſing the one true ſenſe of ſcripture to be expreſſed in the preſent eſtabliſhed ſyſtem of faith, or elſe to incur the reproach of having departed from their ſubſcriptions, the ſuſpicion of inſincerity, and the repute of being ill-affected to the church, whereby their comfort and uſefulneſs among their reſpective flocks, as well as their ſucceſs againſt the adverſaries of our common chriſtianity are greatly obſtructed.

That ſuch of your petitioners as have been educated with a view to the ſeveral profeſſions of civil law and phyſic, cannot but think it a great hardſhip to be obliged (as all are in one of the univerſities, even at their firſt admiſſion or matriculation, and at an age ſo immature for diſquiſitions and deciſions of ſuch moment) to ſubſcribe their unfeigned aſſent to a variety of theological propoſitions, concerning which their private opinions can be of no conſequence to the public, in order to entitle them to academical degrees in thoſe faculties, more eſpecially as the courſe of their ſtudies, and attention to their practice reſpectively afford them neither the means nor the leiſure to examine whether and how far ſuch propoſitions do agree with the word of God.

That certain of your petitioners have reaſon to lament not only their own but the too probable misfortune of their ſons, who, at an age before the habit of reflection can be formed, or their judgment matured, muſt, if the preſent mode of ſubſcription remain, be irrecoverably bound down in points of the higheſt conſequence to the tenets of ages leſs informed than our own.

That whereas the firſt of the three articles enjoined by the thirty-ſixth canon of the church of England to be ſubſcribed, contains a recognition of his Majeſty's ſupremacy in all cauſes eccleſiaſtical and civil. Your petitioners humbly preſume that every ſecurity propoſed by ſubſcription to the ſaid articles is fully and effectually provided for by the oaths of

allegiance and ſupremacy preſcribed to be taken by every deacon and prieſt at their ordination, and by every graduate in both Univerſities. Your petitioners being nevertheleſs ready and willing to give any further teſtimony which may be thought expedient, of their affection for his Majeſty's perſon and government, of their attachment and dutiful ſubmiſſion to the conſtitution in church and ſtate, of their abhorrence of the unchriſtian ſpirit of Popery, and of all thoſe maxims of the church of Rome which tend to enſlave the conſciences, or to undermine the civil or religious liberty of a free Proteſtant people.

Your Petitioners, in conſideration of the premiſes, do humbly ſupplicate this honourable Houſe in hope of being relieved from an obligation ſo incongruous with the right of private judgement, ſo pregnant with danger to true religion, and ſo productive of diſtreſs to many pious and conſcientious men and uſeful ſubjects of the ſtate; and in that hope look up for redreſs, and humbly ſubmit their cauſe, under God, to the wiſdom and juſtice of a Britiſh parliament, and the piety of a Proteſtant King.

And your Petitioners ſhall ever pray, &c.

Sir Roger Newdigate ſaid it was a nullity, unleſs ſeconded.

Mr. Thomas Pitt ſeconded it.

Sir Roger Newdigate objected to receiving a petition from perſons who themſelves had done that which they repreſented to be wrong, and wanted to undo: That the prayer of the Petition undermined the church, which was ſo connected with the ſtate, that they muſt fall together: That it was nugatory, for the King had ſwore not to alter Religion, and this alteration could not take effect unleſs he concurred: That the irreverſibility of the Act of Union made it impoſſible, which at his motion was read.

Mr. Stanley ſaid, that as a lenient meaſure, he had no objection to its being brought to the table; but he could never conſent to proceed on it, ſince it muſt be the deſtruction of the eſtabliſhed church: That it was no new thing to alter religion, but that this was a propoſal entirely to deſtroy it: That the petitioners were like men, who told another, that they would come and live with him, but as a previous ſtep, that he muſt pull down his houſe: whereas if they only deſired him to alter the door, it might poſſibly be more convenient: That he was a friend to toleration, and had himſelf a for-

a fortieth article, which he valued as much, or more than all the reſt, the peace of the public.

Mr. Byrne ſaid he was a friend to religious liberty, but did not think that ſupported, or likely to be ſupported, by complying with the petition.

Mr. Fitz Maurice ſaid, that the petitioners were followers of an heterodox teacher: That the Confeſſional was their Creed, out of which he read many paſſages, to prove they wanted only to enjoy the emoluments of the church. He abuſed the author as avaricious, hypocritical, and as bad writer: That the Univerſities, if aggrieved, could relieve themſelves: Quoted Blackſtone to prove the doubts about altering forms in religion, and concluded with aſſerting that the petitioners denied the divinity of Chriſt.

Lord George Germaine ſaid, to his own knowledge, the petitioners did not deny the divinity of Chriſt; that it was a lamentable thought to him, that if he ſent his ſon to the Univerſity at ſixteen he muſt ſubſcribe his thorough aſſent to that, which himſelf at ſixty was ſo far from being able to teach him, that he actually could not underſtand it himſelf: That the people have a right to petition, and that it is indecent in their repreſentatives to talk of the fewneſs of thoſe who have ſubſcribed; that the merits, and not the numbers ought to be the objects of their conſideration.

Lord Folkſtone ſaid, That the arguments for ſubſcription affected only the clergy. That others might, without danger, be relieved from a requiſition which ſome thought exceptionable; others, unneceſſary or indifferent: That as to the clergy, ſomething more than a bare aſſent to ſcripture was neceſſary, otherwiſe all ſects who admitted ſcripture, were equally eſtabliſhed: That ſome teſt was required in all ſocieties whatſoever; and, that according to the petition every man was now allowed to interpret ſcripture for himſelf, but hoped the law never would permit him to interpret it for others.

Mr. Thomas Pitt defended the petitioners characters, ſaid, That the petition deſired only moderation and indulgence of conſcience, which was the eſſence of the chriſtian religion.

Mr. Jenkinſon ſaid, That the Univerſities could alter their own articles: That Oxford had lately done ſo in the inſtance of voters, which even determined the qualification of voters for members of parliament: That the articles were the ſymbol of the church of England, and that every ſociety had a right to aſſiſt on an acknowledgement from perſons to be admitted into it of their aſſent to its own opinions: That he

was not so absurd, as to suppose supreme power was not always resident in the legislative body, and consequently that the Act of Union was subject to alterations, but that the peculiar solemnity of that act made necessary to justify the repeal of it, reasons of the greatest weight: That it was notorious how proceedings of this kind had proved fatal in the last century: That formerly the majority of the House of Commons consisted of men who went by the cant term of Church of England; and at present, the people at large were of that establishment, because the majority of the House were so.

Lord John Cavendish said, He wished the petition to be brought up and examined with temper: That the best method would be to inform his Majesty a petition of this kind had been received, and praying him to refer it to the consideration of the Bishops, or select body of divines, or to convocation: That the House was not senseless, but could judge of the intelligibility of the Articles: That many of them were absurd and heterodox, and had no other effect, than giving opportunity of entrance to men who would subscribe to any thing: That it was shocking to see young men unable to judge, and who, when they had once given their assent, would perhaps be ashamed to recant, forced to subscribe to that which they neither then could, nor ever would be able to understand.

Lord North said, That his first intention was out of complaisance to the subscribers, and respect to their plea of conscience, to have admitted the Petition, and postponed the consideration of it for six months: That he never would consent to revive flames either civil or ecclesiastical: That he wished never to proceed in that House at least, to the discussion of orthodoxy: That the Act of Union was a pledge between the two nations, now happily united, hardly ever to be altered, but yet from the first rules of legislation, liable to alteration: That the Petition prayed the establishment of Sectarists: That it was not just to resign our posts, and those advantages which the law had granted to the regular church, in favour of those, who wished, or at best (for he thought they might be conscientious) acted as if they wished to have no established church at all: That the conduct of the Petitioners was not at all exceptionable as conscientious men, even though they now disapproved of the articles, for they might have approved of them, at the time they said they did: But from any thing in the Petition, they might now approve of them, be themselves willing, if required, to sign them again, and yet desirous to make the entrance into the church

more

more easy for others: That public or private liberality had endowed churches, &c. for the support of members of the present establishment: That all teachers had their tenets, which they expected to be received by their adherents; That for the sake of peace he would not meddle with the Articles; That as the result of political confusion is despotism, so that of ecclesiastical is superstition, and an infallible guide.

Mr. Thomas Townsend said, that he was entirely against offering any affront to the Petitioners; that they were respectable from profession, as well as plea, and that he never could admit the irreversibility of the Act of Union.

Mr. Edmund Burke said, that the House of Commons was competent to judge of any matter relative to law; that the Articles were to be maintained, or some other method of fixing principles in those who were to be public teachers, settled: That he was against innovations in religious matters; that had he lived when the directory was going to be established, he should have been for preserving the Common Prayer; had he lived when the Common Prayer was re-established, he should have supported the directory: That each of them was consonant to the Christian religion; and though prescribing different forms, yet as the difference was only in forms, and not in essentials, he would have maintained which ever was in force: That the Petition stated no exception against the subsisting Articles: That the right of private judgement was what the Petitioners at present enjoyed, and it was ridiculous to call that the exercise of private judgement for which they petitioned: That orders in the church, without a rule of doctrine, was perfect tyranny: That all governments had a right to constitute the several orders of its subjects as it pleased; and consequently could the priesthood: That in the Jewish state it was hereditary: That the members of the church were to follow prescribed forms, to which themselves had assented, not, as had been asserted, the opinion of the bishop who ordained them: That in the latter case, how distressing would it be to a clergyman ordained at Ely, to be beneficed in the diocese of Chester, and be afterwards removed to Gloucestershire: That the Petition desired for the future assent only to scripture, without defining what scripture was: That very many parts of the Bible had been excepted against by many persons, and in many ages: Again, That it did not state whether scripture should be understood literally or figuratively: That if the latter method of interpretation were allowed, he would undertake to prove transubstantiation, and other doctrines equally absurd: That a case

case might very probably happen, if the Petition were granted, where a person, by a series of conscientious ministers, might never be able to arrive at Christian baptism.

Sir George Saville said, That in many instances the intention, which persons affected, of defending the honour of God, and such expressions, were little less than blasphemy: That the articles were formed contrary to Christ's doctrine, who said, "He that is not against us, is for us," and were repugnant, in many doctrinal parts, to his Word, and particularly where he recommends to his disciples an imitation of the Samaritan (who rejected Jewish and Christian sects) whereas the articles declare such actions as the Samaritan's to have in them the nature of sin.

Mr. Charles Fox said, He was against rejecting the Petition if it was meant as a method of shewing contempt, but should be against receiving it, as a reception would be a kind of engagement to proceed, which he hoped would not be done. That the Articles savoured of Christian charity, but taught such mysteries, as ought not to be forced down the throats of young persons: That in Oxford, where the oaths of supremacy and allegiance could not be administred before 16, an assent to the Articles was required by statute, however young the person was admitted: That he hoped the University would, as he found they could, relieve in that particular, and that a minister who would subscribe the Articles, and afterwards preach against them, would make little impression on his audience.

Mr. Sawbridge said, The articles were so strikingly absurd, that he wished them to be read, and would read them himself; but having gone through a few of them, declared, he would not attempt to expose them further than they did themselves.

Mr. Richard Sutton said, the Articles were too absurd to be defended.

Mr. Dunning said, the subscription to Articles was indefensible, they were so palpably ridiculous; that he never would advise the King to consult the convocation, or any assembly, but his parliament.

Mr. Thomas Pitt read a quotation from Bishop Burnet to prove the inexpediency of all creeds that were complicated, in which he concludes with saying, that the church of England was complicated; said that he had heard no argument urged against the Petition, that would not impeach the Reformation.

Mr. Wedderburne said, he was surprized to hear a doubt of the right to alter the Union Act, when it was already altered both as to the English and Scotch church: the former, by the Act against occasional conformity, the latter by the Act which destroyed elective patronages: That he thought the Petition ought not to be complied with, but should vote for receiving it, for that at present it was not before the House, and he did not regularly know the Prayer: That the Universities, which were to preparate them for all the learned professions, and to make persons fit members of parliament, ought to be under parliamentary cognizance, if they did not take care to reform themselves; and that he could not conceive but a prescription was equally efficacious, and proper to be followed, whether the physician had signed the articles, or not.

Dr. Hay said, that the subscription to the Articles of Matriculation in the Universities was improper, and ought to be, and he hoped would be remedied, but not by the interference of parliament, if the Universities could do it themselves. That the Petition should have been presented to the Lords, with whom all clerical matters begin, as divorces, &c. not that he doubted the House's right to originate any matter that it pleased, but because amongst them there were special guardians of the church.

Mr. Cooper said, the Petition was before the House sufficiently, that it must be rejected, because it removed the pillars of the church, without substituting any other support.

Sir William Meredith said, he did not expect to hear that objection, which amounted to a censure on the petitioners who did not presume to dictate; that the Articles taught as divine, not only what were not the attributes of God, but what must be peculiarly the attributes of the Devil, if we suppose the Devil the most unjust of beings: That the Articles were a notorious falshood: That no minister would defend the doctrines of them in a strict grammatical sense before his parish: That he repented his candour in opening the petition: that the schism act, which alters, is subsequent to the union: That understanding the articles of subscription in another sense, than was intended by the compilers, and is strictly grammatical, is mere hypocrisy: That Bishops Burnet and Hoadley, were arrant hypocrites, in allowing every man to understand them as he pleased, and subscribe in his own sense, and that the Methodists are the only true church of England-men, and that he himself would subscribe,

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if the noble Lord would prove, as he asserted, their conformity to scripture.

Lord North denied saying the articles were conformable to scripture.

Sir Harry Houghton said, he was happy in the free exercise of his own opinion, and wished every one the same happiness.

On the division, for the question 71; against it 217, exclusive of tellers.

An authentic Account of the Debate on Monday, Feb. 17: in the House of Commons, concerning the Possessions of the Clergy.

MR. Seymour moved the house for leave to bring in a bill to quiet the possessions of the subject against dormant claims of the church.—After being seconded, he was opposed by Thomas Townshend, Mr. Skinner, Grey Cooper, George Onslow, Col. Onslow, the Lord Advocate, Lord North, the Attorney General, and supported by Mr. Cornewall, Mr. Brickdale, Mr. Dowdeswell, Mr. Burke, and Mr. Charles Fox.

The arguments of the ministry, and their adherents, were these:

It is contended that *Nullum Tempus occurrit regi*, and *Nullum Tempus occurrit ecclesiæ*, are maxims in law founded on the same principle; and that, as we have destroyed the former, we must, in order to be consistent, destroy the latter. But let it be considered that, when the statute of limitations was made, this matter did not escape the attention of the legislature, and that, in all probability, our ancestors were swayed by reasons of the most weighty nature, not to include the church. Were there no settled revenue set apart for the crown; were the demesne lands now, as formerly, its only support, no man in his senses would have thought of stripping it of the *Nullum tempus* right; because no man in his senses would have chose to leave it defenceless, the constant effect of poverty and want. Why should the church be treated with more severity? It is no less necessary to the well-being of the community, than the crown. States have subsisted without royalty. But where is the state that has ever been able to stand without religion? The institution is certainly necessary; and being necessary, it must be supported. Has any new provision been made for its maintenance, that you would thus remove its ancient bulwark? Does the parliament

liament ſettle upon it, as upon the crown, any civil liſt? Was it not ſufficiently ſtripped at the reformation; and do you mean to open a door for its being farther plundered? Our forefathers, when the church was new-modelled, intended that what was left ſhould remain for ever in its poſſeſſion, and for that purpoſe ordered that no length of time ſhould be a bar to its claims. Knowing that ſucceſſive incumbents might, by the peculiarity of their ſituation, ſuffer the patrimony of the church to be loſt, and come into lay hands, they left this remedy for the recovery of her property. An incumbent is frequently a ſtranger in the place where he has a benefice; he is ignorant of the ſtate of his lands and tithes, and all his neighbours are intereſted in keeping him in ignorance: he is perhaps poor, or peaceable, or indolent, or timid, or fraught with gratitude to his patron; or perhaps he is all theſe together. What muſt, in this caſe, become of the property of the church, and of his ſucceſſor? They muſt evidently be ruined. Many of us thought it inexpedient to deprive the crown of this power, with which it was armed for its own defence; and ſome of us ſtill think that the ſtep was impolitic:—Thoſe who voted for clipping the wings of the crown in this particular, becauſe they thought it too powerful and dangerous an engine in its hands, may yet, with propriety, vote againſt this motion, becauſe no danger can be apprehended from the power of the church; and thoſe who voted againſt taking this power from the ſtrong, cannot with decency vote for taking it from the weak. The church has no title-deeds, which deſcend from father to ſon, which are carefully preſerved, and mark out with preciſion the extent and limits of the inheritance, ſo that nothing can be eaſily loſt. Conſequently, the lands and tithes of the parochial clergy, one of the moſt uſeful claſſes of men in the nation, would without this precaution, moulder away, and be reduced to a much ſmaller pittance than it is at this juncture. Yet is it not lamented by the whole nation that they are not poſſeſſed of a larger proportion of the good things of this world? What then muſt we think of a regulation that reduces them to a much more diſtreſsful ſituation? Had it indeed been propoſed to eſtabliſh an office, where regiſters of their title-deeds, or diſtinct account of church poſſeſſions ſhould be kept, the plan would have merited our attention; but inſtead of applying this remedy, the mover of the queſtion lays the axe to the root of the tree, and at once overturns the church's chief palladium. At the time that ſtatute of limitations was made, the church had the power

Venate. The patron, the ordinary, and the incumbent, might exchange ecclesiastical property for a just equivalent: but, in order to prevent any injury to the succeeding generation, from a collusion, the Nullum Tempus was left as a power, by which any fraudulent bargain might be set aside. Hence the *Nullum tempus occurrit regi*, and the *Nullum tempus occurrit ecclesiæ*, have not the same foundation: and it is not therefore necessary that for the sake of consistency we should bury them both in the same grave. A considerable alteration of our constitution is not to be attempted without some urgent necessity. It ought to have been shown that the power vested in the clergy has been egregiously abused; that they have been litigious and oppressive, and always ready to grasp at every straw, to draw every thing into their own vortex. —In a word, proofs should have been produced of many vexatious and iniquitous suits, grounded on the maxim in question. Has this been done? One case only, and that not in point, has been laid before us. But how many instances are there of vexatious and oppressive suits commenced and carried on by the laity against the clergy.

The gentlemen of the long robe declare, that few, very few complaints come into the courts of law through the means of the clergy, that they are generally dragged thither by iniquitous combinations, that their cause is generally so just that nothing but the most absurd and inveterate prejudice could have bred and fostered the least dispute. Is it prudent, is it just, is it honourable, to strip such harmless and inoffensive men of their best defensive armour? Consider that they have here nobody to plead their cause, while we, the judges in this case, are interested men. Our honour therefore is concerned in giving no countenance to the scheme. It is too much to make two attacks upon the clergy in one session, one upon their doctrine, and another upon their property. No plan, it is true, can be without some inconvenience; both the old and the new will necessarily partake of the imperfections of all human institutions. But the ancient and established plan is certainly not incumbered with so many nor so weighty objections as this which is now under discussion. What provision is here made for securing the tithes of the inferior clergy from diminution, which will be the unavoidable consequence? None. How is collusion to be prevented between incumbents and patrons? How are numberless other dangers, which, upon the removal of the old and the introduction of the new system will appear, to be obviated? With respect to all these points our innovator is total-

ly silent. One single remedy for a single case he has proposed, and that is all that his legislative sagacity, or that of his abettors, has been able to suggest. Where then is the propriety of proceeding farther upon this motion? It certainly ought to be rejected.

Mr. Seymour and the abettors of his motion reasoned thus: It is in vain that gentlemen attempt to make a distinction between the ancient power of the crown, and the still remaining power of the church with respect to the Nullum Tempus. The present claim of the church was prior to the statute of limitations, and therefore could not possibly have its origin at that period. The idea was evidently borrowed from the practice of the crown, when the clergy were in favour, and did what seemed good unto them. Whence but from this abuse arose the statute of Mortmain? The case will admit of no dispute. The directors not only of the king's conscience, but of his counsels, converted their influence to the advantage of the order; and our ancestors were obliged to interfere, else they would have, like the clergy of Judea and other priest-ridden countries, swallowed up gradually all the lands of the nation in their vortex; and become the sole proprietors of the isle. The mistaken piety of some, the folly of others, and their own address and industry would have by this time made them our lords and masters. We should have groaned under the most intolerable of all tyrannies, under the tyranny of priests. Nor is this any reflection on our clergy, because they are but men; and all bodies of men, when under no check, become oppressive and despotic. They would not desire to have a compliment paid to them, which could not be justly be bestowed upon our ancient barons, nor indeed upon any class of men that ever existed. But, you will say, can any man in his senses be apprehensive of excessive power in the church? Can such a chimerical idea be for a moment entertained? The answer is obvious. However little the danger may now appear, in some future period matters may wear a different aspect. For who knows what may lie concealed in the womb of time? How can you be assured that ages of barbarism will not yet return, and that superstition will not again restore the power of the clergy? It will then be meritorious to yield to the most groundless claims of the clergy; and weak men actuated by the terrors of superstition, and the suggestions of their ghostly director will think it the most compendious way to heaven to destroy their title-deeds, and thus to suffer their lands by a law-process to revert into

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the bosom of the church. Consider that at least one-third of the realm has at one time or other been ecclesiastical property. What a powerful engine must this law in such circumstances become? The danger may be distant; but to a reasoning statesman it is enough that the seeds of the evil are certainly lodged in our constitution, as it now stands, and that accordingly it is capable of resurrection. He needs no other motive to induce him to attempt the total eradication of the latent poison. Without this reformation our system of jurisprudence will be lame and imperfect. Length of possession, or a prescriptive claim, however acquired, is a great principle that runs through the whole body of our law, and secures property from the dangers, which it would necessarily incur in consequence of the perishable nature of title-deeds, and the casualities to which they are subject. Is it not a matter of some moment to render our laws uniform and consistent? Scotland has adopted this maxim, undisturbed possession of forty years is an effectual bar to the claims of their church. What hinders us to copy this northern principle? Scotland has often borrowed from us; and the union has not precluded mutual imitation. Nor is it the Scottish law alone that furnishes its sanction. The canon law is equally explicit in favour of the same doctrine; and so is the civil law, from which it seems to have been transplanted into the canon and Scotch codes. It is not that these precedents will ever be considered as absolutely conclusive, if they were not corroborated by the genius and spirit of our own constitution, and, what is more, by the law of nature. Mr. Onslow, it is true, has quoted Grotius to prove the reverse; but unfortunately he has read a mutilated edition; for it has been proved that, if he had proceeded a sentence or two farther, he would have read his own condemnation. It is to be hoped therefore that, when he goes home, he will procure and read Grotius at large, and satisfy himself, that he and every other writer on the law of nature and nations declare against the Nullum Tempus without any exception in favour of the clergy. Why should they be exempted from the general rule? Without any new civil list ample provision is made for the whole order, were it properly divided. Pluralities are the bane of the clergy. Two, three, four, and even five benefices are swallowed up by one unconscionable individual, who employs as many curates, and pays each perhaps at the rate of fifteen pounds a year, though he receives himself for each five hundred. If he allows his curates fifty, he is a prince for generosity.

Ought

Ought not this abuſe to be rectified? The miniſter ſays that he laments as much as any man the inequality of church preferments, but that he cannot ſplit them into ſmaller parts. But ſurely he can prevent a multitude of them from being heaped upon the ſame perſon. Why does he ſuffer ſo many diſpenſations to paſs the great ſeal enabling this doctor to hold two livings, that to hold three, and a third four? It is to be hoped, for the honour of humanity, that there is no miniſter ſo ſordid and avaricious as to graſp at every thing that falls, and to catch it either in his own mouth, or let it drop into that of a relation. Be this as it may, a ceſſation of the practice is the moſt rational plan for relieving the inferior clergy. This motion will not certainly render their condition worſe. Colluſion between the patrons and incumbents may, and, no doubt, now does take place. How will the alteration of the law render it more eaſy or frequent? You will perhaps ſay, that the ſhortneſs of the term, during which the church may claim loſt poſſeſſions, will encourage frauds, becauſe they may remain unknown, till the time for recovery is gone for ever. The ſame argument was urged in favour of the crown; but as it had then no weight, it is to be preſumed that it ought now to have as little. In the ſame ſpirit we are told that the crown, for fear of loſing its juſt rights, would immediately begin a ſcrutiny, and commence actions without number againſt every encroacher upon its property. Was this ſuſpicion verified by fact? No. What reaſon then have we to imagine that the church will follow any other plan? At any rate the ſcrutiny will be the better, the ſooner it is begun. Juſtice will be the more eaſily done to both parties. Nothing can poſſibly be gained by delay. If this power is to remain veſted in the church, how precarious is all lay property? The parchments, which ſecure it, may be loſt, may be deſtroyed by fire, and a thouſand other accidents. A ſee, a dean and chapter, a college may find among their archives ſome muſty records, which ſhow that they were once in poſſeſſion. What is the conſequence? They immediately plead that *nullum tempus occurrit eccleſiæ*, and deſire to ſee the titles by which he holds his eſtate. But, behold! they are loſt. Accordingly, the court of juſtice, in conformity to the ſtrict letter of the law, beſtows his lands upon the church. Nor is this mere ſpeculation. The mover of the queſtion has pointed out a member of your own houſe, who has ſuſtained an injury of this nature from a biſhop of Durham, and loſt by the proceſs not leſs than a hundred and twen-

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ty thousand pounds. Yet you call for proofs of the abuse of the power in question! Is not this instance alone sufficient? Allow but the bill to be brought up, and there is no doubt but upon enquiry more cases will be discovered. Suppose a modus, suppose an exchange to have long ago taken place, and the proofs to be now lost. What follows? Why, by means of the ecclesiastical Nullum Tempus, the church will set the whole aside, and not only keep the equivalent given, but appropriate the estate for which it was given. Can any thing be more unjust or unreasonable? But such is always the consequence of deviating from the plain track of nature and common sense. When the monasteries were destroyed, and many of their possessions sold to the best bidders, the augmentation office was established, and there were kept registers of all the estates disposed of to laymen. Since that period the augmentation office has ceased. Hence the papers there lodged are in much greater confusion than any other in the kingdom. If this power be still preserved to the church, what a dangerous instrument will it be in the hands of dean and chapters, and other rich ecclesiastical bodies, whose records are kept with infinitely more care and circumspection, than the papers and parchments of private families? It is indeed objected, that the mover of the question has not obviated every inconvenience, nor shown that his proposed regulation is necessary, in order to prevent the abuses of the clergy. But surely it is absurd to expect that, before the bill is read, examined or amended, every objection should have been removed. The most considerable inconvenience is taken away, by allowing the Nullum Tempus to operate for sixty years and three incumbencies. The proper method of securing the tithes of the parochial clergy, and what other plan for their benefit may be thought necessary, he has with much prudence, and no less modesty, left to the discretion of this house; and surely it is too much to say, that, without the heterogeneous and monstrous power arising from the Nullum Tempus, the collective wisdom of the legislature cannot secure the tithes of the clergy, that incumbrance, that original sin, with which every morsel of land is born, and without which it cannot exist. At any rate, thus to reject a motion for the improvement of the constitution, and not to suffer a bill to come into the regular course of examination and discussion, is contrary to every idea of justice and equity. The practice is subversive of all parliamentary enquiry, and, if tolerated, must render this house perfectly useless to the nation. Accordingly the decision

cision of this question will clearly show whether we have the feelings of parliament or the spirit of men. What ought to be done after the bill is brought is not so certain; but that it ought to be received is as clear as that two and two make four.

It is in vain we are informed that no necessity, no flagrant abuse presses. The plan is for this reason the less exceptionable; because we are thus less liable to error through prejudice or passion. Had the proposal arisen from some recent injury, it would be a strong argument for its rejection. With equal impropriety is it contended, that ancient institutions are not lightly and wantonly to be overturned; because that reasoning may be turned, as a standing piece of artillery against every improvement. Had our ancestors argued in this manner, we should never have acquired either liberty or property, but groaned for ever under Norman tyranny. When the minister urged this common place, he forgot that Lord Bacon had, on the opposite page furnished his antagonists with arms of equal proof. Let us not then be amused with boyish declamation, instead of sound argumentation, nor for sterling coin be put off with counters.

On a division 117 were for the bill, 141 against it.

A circumstantial Account of what passed at a meeting of the Livery *on Friday evening, Feb.* 14, *at the Half Moon Tavern in Cheapside.*

THE meeting was very numerous and respectable. About eight o'clock Mr. Bishop was called to the chair. As soon as he was seated, the chairman informed the company, that he understood by the advertisement, that the livery were called together to consider of an answer made by the Lord mayor to their request of a common hall. He therefore said, he thought it proper to begin the business by reading the requisition of the Livery to his Lordship; which he observed was signed by one hundred and forty-three respectable Liverymen, one hundred and one of them were of the Common Council.

"*To the right hon.* WILILAM NASH, *Esq*; Lord Mayor *of the City of* London.

"WE, the underwritten Liverymen, on behalf of ourselves and brethren the Livery of London, do most earnestly request your Lordship will summon a Common-hall on any convenient day, previous to the 15th instant, for the purpose of giving public instructions to our representatives in parliament,

parliament, relative to the very important motion intended to be made by Mr. Alderman Sawbridge, in the houſe of commons, for ſhortening the duration of parliaments.

Signed by one hundred and forty-three Liverymen."

After this had been read, Mr. Somers informed the gentlemen that it had been delivered to the Lord Mayor by Mr. Saxby and others; that when it was delivered, his Lordſhip deſired time to conſider of it, and promiſed to return his anſwer in writing to any perſon whom they would appoint to receive it. Mr. Somers being appointed, did accordingly receive his Lordſhip's anſwer, which he now produced. The anſwer was then read over twice as follows.

"The Lord Mayor deſires the favour of Mr. Somers to preſent his compliments to the gentlemen, who yeſterday made an application to him in writing, requeſting him to ſummon a Common-hall on any convenient day, previous to the 15th inſtant, for the purpoſe of giving inſtructions to the city repreſentatives in parliament, relative to the very important motion intended to be made by Mr. Alderman Sawbridge in the Houſe of Commons for ſhortening the duration of parliaments: and the Lord Mayor deſires the gentlemen may be acquainted, that he is very deſirous of embracing every opportunity of teſtifying the moſt reſpectful attention to the wiſhes of his fellow-citizens: But that as the right of the Mayor to ſummon extraordinary Common-halls has been brought into queſtion, and is now in litigation of a court of juſtice, he thinks it proper to ſuſpend the exerciſe of that right till the queſtion has received a legal determination; and the rather, as all motions of conſequence relative to matters ariſing within the city, or in which the corporation are ſuppoſed to be intereſted, may be ſubmitted to the conſideration of the court of common council, which he will be ready to call together on all neceſſary occaſions.

Manſion Houſe, Feb. 12, 1771."

After ſome expreſſions of indignation and a general murmur of diſcontent had ſubſided, Mr. Edridge addreſſed the Chairman in the following manner:

"Sir,

"Whatever may be the different opinions of the propriety of the preſent requeſt to the Lord Mayor for a common-hall; and however gentlemen may honeſtly differ about particular perſons and meaſures; I hold it the duty of every Liveryman to ſtand forth upon the preſent occaſion; and I catch

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at this opportunity (the only one I believe Mr. Nash will ever afford) of thanking him for furnishing a subject upon which every honest man must unite. The Lord Mayor by his answer has precluded us from entering into any debate concerning the propriety or fitness of the present application to him, on which perhaps we might reasonably have been divided. He has chosen to attack the right of the Livery to a common hall. That right is now the only question; and the means of enforcing that right in defiance of a treacherous magistrate ought now to be our only aim. The Lord Mayor's reason for refusal is not either because of any deficiency in numbers or importance of those who applied to him; it is not on account of the insignificance or impropriety of the cause of application. Had either of these been his declared reason of refusal, we might then indeed have debated upon those points; but he has left us no other alternative but either to agree with him against the right of the Livery to instruct the representatives, or to condemn and abhor his conduct. Mr. chairman, I will plainly declare that I detest his scandalous answer. He means to rob us of our dearest and most clearly acknowledged right by a pretence as absurd as it is false. He says, 'the right of the Mayor to summon a common hall has been brought into question, and is now in litigation in a court of justice.' Sir, I charge his Lordship with an impudent and notorious falshood. The right of a common hall is not in question; it is not in litigation. A particular manner of punishing disobedience to the Lord Mayor's precepts is in litigation; the right of a common hall is not. But the pretence is as absurd as it is false; what shall we say to a chief magistrate, who, being elected to a station for the sake of preserving the rights and privileges of his constituents, shall declare it a sufficient reason for him to deprive you of the exercise of any of your rights as soon as ever it shall please any of your enemies to dispute them! Sir, if this reason is sufficient, I question whether we shall much longer have any right left. Should it please our virtuous court at St. James's (and I protest I sincerely believe it would please them) to employ their tools to dispute our right of electing, or having any representatives at all; our virtuous chief magistrate, Mr. Nash, would think that a sufficient reason for suspending likewise our right of election!—I would not have any one think I have put too strong a case. Sir, the present case is equally strong: for to have a representative, and not to have the right of instructing him, is a mockery of representation. Sir, it is this

right of instructing our representatives which the Lord Mayor denies to us: because some creatures of the court, as slavish and abject as himself, have endeavoured to obstruct it. Sir, if this reason was sufficient, we should not have a Lord Mayor, an Alderman, a Sheriff, or even a corporation a week longer; but why do I talk of a corporation? We should not have any form of government left in the kingdom: we should none of us have a house to shelter us, if we reasoned like his Lordship; because no man must enter his own doors from the moment that any saucy fellow should dispute his passage.——Mr. chairman, the fact is, that Mr. Nash himself is the person who questions our right of a Common-hall: I know that it has been his favourite topic (and I pledge myself to prove it if he denies it) it has been a point on which he has always publicly insisted, that the Livery have no right to meet in Common-hall but for the election of their officers, and when there assembled, cannot deliberate on any subject, but are confined to their bare votes. —Surely, Sir, Mr. Nash, (for it grieves me to call him our Lord Mayor) forgets that we have had Common-halls granted by other chief magistrates, since the disobedience of the wardens of the Grocers and Goldsmiths companies. Sir, if that disobedience and the litigation concerning their punishment (which is the only thing in question) were reasons for any thing, they were reasons for exerting, exercising, and repeatedly enforcing that right of the chief magistrate. What a precious magistrate is this, who points out to our enemies an easy method to strip us of all our privileges! If they will only dispute or deny them, Mr. Nash, will forbear their exercise: if a felon or a murderer should dispute his Lordship's power of commitment, in a particular case our good Lord Mayor will leave all other felons and murderers at large, till by the tedious forms of courts at law the particular manner of that commitment is solemnly and formally determined. But, Sir, I am ashamed to spend any more time upon so plain an absurdity, so scandalous a desertion of his trust; and therefore I desire to make a motion that the numerous Livery who are present may stamp his Lordship with this impudent falshood in the most solemn manner by a formal declaration: therefore, Sir, I move—"That the right of the Liverymen of London to assemble in Common-hall is not in question or litigation, but is a right indisputably inherent in the Livery."

This motion as a declaration of Mr. Nash's falshood and treachery was received with the greatest approbation and applause,

plauſe, which were thought to be unanimous, till Mr. Raincock roſe to defend the Lord Mayor.

Mr. Raincock exclaimed violently againſt the indecency of the gentleman who ſpoke laſt, and the affront which the motion muſt give to the Lord Mayor, by propoſing to ſo numerous and reſpectable a body of the Livery to join in giving the formal lie direct to the chief magiſtrate of the city of London. He inſiſted that the Livery of London had not a right to aſſemble in Common-hall, but had voluntarily given up that right ever ſince the reign of Richard the Second; and that ſince that time there was a law againſt their aſſembling there except for the purpoſe of election.

Mr. Saxby, *Mr. Malpas*, *Mr. Whitby*, *Mr. Hurford*, and others ſpoke in defence of the motion: they denied the truth of Mr. Raincock's aſſertion, and ſhewed that the Livery was a much later eſtabliſhment than the time of Richard the ſecond: they repeatedly called upon Mr. Raincock to produce his law, or tell them where it was to be found; which he not being able to do, the whole company concluded it to be a law only of his own making.

Mr. Stone was particularly happy and pointed in his ridicule of the Lord Mayor's letter, and in his refutation of Mr. Raincock's law. He complimented the Lord Mayor on his perfect imitation of that court which he had taken for his example. "His Lordſhip, ſaid he, has adopted the very ſtile as well as the principles of a courtier.—*He is very deſirous of embracing every opportunity of teſtifying the moſt reſpectful attention to the wiſhes of his fellow-citizens*——Reſpectful creature! ſo deſirous of *embracing*, that he takes the very firſt opportunity to *betray* them! What is this but the common cant of every deceitful ſycophant; who is always anxious and eager to ſerve you in every thing—except what you ſolicit?" Mr. Stone then ſhewed the abſurdity of the concluſion of his Lordſhip's note, where he talks of *ſubmitting all motions of conſequence to the Common Council*, whereas the preſent motion is for the inſtruction of members of parliament; whoſe conſtituents the Common Council are not, but the Livery; which makes it peculiarly unfortunate for Mr. Naſh to give ſuch an anſwer to a motion which itſelf contradicts his aſſertion."

After Mr. Stone had finiſhed, there was ſome altercation between Mr. Raincock and Hurford; which ended exceedingly to the diſgrace and confuſion of the former, the unanimous thanks of the Livery then preſent being given to Mr Hurford for his conduct on the occaſion for which Mr. Raincock attacked him.

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The motion was then put, and carried without one dissenting voice.

A motion was then made by Mr. Burnley, that as many members of the Common-Council who were present, should wait on the Lord Mayor at ten o'clock on Saturday morning to desire his Lordship to call a Common-Council to take into consideration the request of the Livery for a Common-hall. Which motion was likewise carried unanimously.

In pursuance of the last motion twenty-three Common-Councilmen waited on the Lord Mayor on Saturday morning last with the following request.

To the Right Hon. the Lord Mayor.

My Lord,

"We the underwritten members of the court of Common-Council, at the earnest request of a numerous meetings of the Livery last night at the Half Moon Tavern, Cheapside, desire your Lordship to call a court of Common-Council on Tuesday next the 18th instant, to take into consideration their application to your Lordship for a Common-hall to instruct their representatives in parliament to support a motion intended to be made by Mr. Alderman Sawbridge, for shortening the duration of parliaments.

"N. B. It is requested this business be inserted in the summons."

To which, at a quarter past eleven o'clock at night, his Lordship returned the following answer:

"The Lord Mayor presents his compliments to Mr. Bishop and the gentlemen who waited on him this morning, and acquaints them, that he will call a court of Common-council on some convenient day the next week; but that as the application to him for a Common-hall, to which he has already given a definite answer, does not appear to him to be a proper subject for discussion in the court of Common-council, he cannot permit that business to be inserted in the summons."

Mansion House, Saturday Evening. February 15, 1772.

AT a court of Common-council held at Guildhall on Thursday Feb. 20, a motion was made, that the Lord Mayor be requested to call a Common-hall, for the purpose of

of instructing this city's representatives to support the intended motion of Mr. Alderman Sawbridge in the house of commons, respecting *triennial* parliaments.

This motion was made by Mr. Reynolds, clerk of the arraigns, and was seconded by Mr. Raincock, who afterwards whined most piteously declaring, that he had been cruelly treated in the public papers of that day.

The motion for triennial parliaments was then objected to, as annual were thought more eligible.

Mr. Hurford moved for the previous question, because he thought the instructions ought to be given by the Livery at large, who are the city members constituents.

This motion was seconded by Mr. Bellas for the same reason.

Mr. Deputy Ellis then said, he was sorry the previous question was about to be put, *because the Lord Mayor had given a definitive answer.*—A curious reason truly!

Mr. Sawbridge said, that he never intended to make a motion in favour of triennial parliaments in particular, but that the duration of parliaments might be shortened; he asserted, that those who composed the court of Common-council were not the members' constituents; the Livery were, and therefore thought the previous question necessary.

Mr. Deputy Wilson said, he was surprised to hear a previous question proposed, as it tended to make that court of little consequence; that the members of it were already reduced to mere cyphers; that he should ever object to the discussion of any question in a Common-hall; and that it was impossible business could be properly transacted in such Common-halls as those we had lately seen; he said he also disapproved of them, because the Lord Mayor could not exercise authority there without prostituting the dignity of the chair.

Mr. Sheriff Wilkes observed, the merit of the question lay in a very small compass; that it was clear the Livery were the only constituents; and that it was not necessary to be a Liveryman to sit in Common-council; consequently the question should originate in the Livery.

Mr. Deputy Wilson arose a second time, and said, that if a precept was issued by the Mayor, requiring his attendance in Common-hall, he would certainly disobey it.

M. Alderman Oliver declared that the Livery alone on this occasion had a right to instruct; that he regarded them as his masters, who it was his duty to obey; which he

ſhould ever do, though their opinion ſometimes might not coincide with his own.'

Mr. Alderman Roſſeter declared that court had an equal right with the Livery to inſtruct, becauſe the Livery were the repreſentatives of the freemen, by whom the members of the Common-council were choſen; and in confirmation of his opinion, quoted a reſolution in the Mayoralty of Sir William Blakiſton.

Mr. Alderman Trecothick moved, that precedents might be ſearched for.

The previous queſtion was then put, and carried.

The following motion was then made, and carried by a great majority, only three Aldermen, viz. Alſop, Roſſeter, and Bird, and twenty of the Common-council, voting againſt it.

"That the Right Hon. the Lord Mayor be deſired to iſſue his precepts for calling a Common-hall, on any convenient day in the courſe of the next week, for the purpoſe of the Liverymen of this city giving inſtructions to their repreſentatives in parliament, to ſupport the very important motion intended there to be made by Mr. Alderman Sawbridge, for ſhortening the duration of parliaments."

It was then moved, and carried *nemine contradicente*, "that ſuch members of this court, who are members of parliament, be requeſted to ſupport every motion tending to ſhorten the duration of parliaments."

The Lord Mayor then aroſe, and declared, that he neither could, nor would, comply with their requiſition. He referred them for the reaſons of his refuſal to the anſwer he had formerly given them.

Mr. Bellas then moved, that the queſtion, "whether the Common-council have not a right to INSIST that the Lord Mayor ſhall call a Common-hall on their requiſition," be referred to the conſideration of the committee, who are appointed to manage the proſecutions againſt the three refractory companies, and it was recommended that they ſhould ſearch for precedents, and make their report as ſoon as poſſible. It was alſo ordered, if the Lord Mayor ſhould not be ſatisfied with the report of the committee, that the court ſhould immediately iſſue their own precept, which they are certainly authoriſed to do by an act of Common-council paſſed in the year 1748.

PAR-

PARLIAMENTARY PROCEEDINGS in IRELAND, *continued from page* 173.

February 5, 1772.

THIS day the House sat but a short time, and did nothing but read orders, and re-postponed the consideration of affairs to future days.

Feb. 6. This day more business was postponed, on account of the house being very thin; the severity of the weather having hindered many of the members from coming to town.

Colonel Browne, in a *very elegant* speech, told the house, that in these times he thought every scheme that tended to the saving of money, ought to be adopted, therefore it should give a favourable attention to what he had to propose. After this preface he averred, that above twenty thousand pounds every year were expended in England for raising recruits in consequence of the great desertion in Ireland, more soldiers deserting in one month here, than in twelve months in Great Britain. This was in a great measure owing to people harbouring deserters, and captains of ships taking them away as passengers, or indenturing them as servants. The best way to prevent this, he thought, was to make concealment of a deserter subject to imprisonment, without bail or mainprize; and the same penalty to be inflicted on all captains of ships, who should take on board any persons without a certificate under the hand of a justice of peace.

Sir George Macartney replied, there were laws in being, subjecting those who harboured and concealed deserters to a fine.

Colonel Browne replied that law might do in England where families and people in the country had something to be fined of; but here those people who principally are the harbourers have no property, for if their cabins and all the furniture of them were distrained, they would not produce *fifteen pence*. The result of this short debate was, that a committee (consisting chiefly of officers of the army) was appointed to draw up heads of a bill for the better preventing desertion.

In pursuance of an order of the house, his Majesty's letters patent, appointing the separate boards of customs and excise, were laid before the house, as were also the king's letters to the Lord Lieutenant for that purpose. Mr. Ponsonby moved, that they might be read; and accordingly the clerk read the patent, appointing Sir William Osborne, Sir Francis Bernard, *(the tyrant of New England)* John Monck Mason,

Maſon, Robert Waller, William Montgomery, to be commiſſioners of exciſe. As this patent conſiſted of no leſs than five ſkins of parchment, the houſe was pretty well tired before it was finiſhed; and the other patent and the letters were ordered to lie on the table, to be peruſed by the members; and then the houſe adjourned to Monday next.

Feb. 10. The houſe was this day chiefly employed on private bills. The only public buſineſs which came on was a motion made by Sir Edward Newenham.

That gentleman ſaid, the preſent parliament had already paſſed ſome acts which would be of great ſervice to the freedom and independency of parliament; principally the Octennial bill, and another bill was now in the houſe to regulate the election of members. It was therefore from ſuch a parliament that ſucceſs might be hoped for, in paſſing ſuch an act as was ſtill wanting, and that was relative to certain placemen ſitting in the houſe. A future parliament might be too venal and too corrupt to give any countenance to ſuch an act. Then it would be too late to propoſe it with any probability of ſucceſs. Now is the time. It is not to be thought that a man may not ſerve his king and his country both together. It would be unjuſt to ſay, that a place *always* renders the poſſeſſor dependant on government, but it is equally unjuſt to imagine it *never* does. It is not intended by this bill, that no placeman are to ſit in the houſe; it is only to limit them. The vice-treaſurer, the attorney and ſolicitor-generals, the officers of the army and navy may ſit there—but ſurely deputy-collectors, petty licenſers, and under clerks ought not to be permitted to ſit in the parliament houſe by thoſe members who would not ſit in their company in their reſpective offices? He concluded with moving, that leave might be given to bring in heads of a bill to preſerve the independency of parliaments, by limiting the number of placemen. This motion was agreed to, and Sir Edward Newenham, and Mr. Stuart, were appointed to bring in the ſaid bill, and then the houſe adjourned.

To be continued.

The Joint Stool.

It is easily overturn'd.
Shakespeare.

THE POLITICAL REGISTER,

For APRIL 1772.

NUMBER LXII.

To the Printer *of the* Political Regiſter.

SIR,

NOTHING has ſurprized me ſo much as the unmerited treatment of Mr. Sawbridge's motion, an aſſembly, improperly ſtyled popular, not having even deigned an anſwer, either to it, or to the ſpeeches made for ſeconding its laudable intentions. I think at leaſt the Miniſter, or one of his agents, ſhould have made this modeſt reply.

Mr. S——r,

"'Tis well known that ſo much money is wanting to pay the intereſt of the national debt; that ſo much is wanting to purchaſe the ſuffrages of both H— of P—; that much more would be wanting to bribe at elections in the caſe of annual or triennial p—; and that therefore in conſideration of theſe exigencies of ſtate, the people being already but too much burdened with taxations, it would be highly impolitic to admit of either annual or triennial p——.

"To what a paſs are we brought? What is become of our conſtitution to which we are made to believe the revolution gave conſiſtence, and which it ſolidly eſtabliſhed in perpetuity on a firm baſis? we find this conſtitution again tottering

under the auſpices of the ———, and we are reduced to deſperation, not able to entertain the moſt diſtant hope of redreſs.

Una ſalus victis, nullam ſperare ſalutem.

But to wave theſe diſagreeable ideas, let us enter into the ſpirit of government with Tacitus, and we may perhaps find ſomething applicable to our purpoſe. In the fourth book of his annals, he has this remarkable paſſage. "All nations and cities are governed by the people, by the chief men in the ſtate, or by one perſon; and out of theſe is made choice of and conſtituted a form of adminiſtration, which indeed is commendable, though probably it can have no actual exiſtence; or if it ſhould chance to ſhew itſelf to the world in that light, it cannot be laſting." This author was led, no doubt, into this reflection, from conſidering the perverſity, which but too often is ſo inherent to mankind, and ſo imperceptibly mingles itſelf with their very eſſence, that though a mind poſſeſſed with the ardors of modelling a ſyſtem, which in all reſpects is truly grand, noble, and highly deſerving of the obſervance of rational beings; yet muſt find itſelf fall ſhort of its aim, when the ſame is intended to be reduced to practice. Then it is, that it can be only denominated an exquiſitely delineated pourtrait, reſembling ſomething exiſting in the imagination, but by intervening accidents rendered incapable of admitting the lights and colours of reality. Plato's commonwealth has had its admirers, as well as the laws of Lycurgus, Solon and others, their obſervers; but the former afforded only an ideal ſatisfaction, and if it was poſſible to conform to the latter, the nature of man impatient of reſtraint, ſufficiently demonſtrates that the inſtitution could be but temporary; becauſe, though towers of policy ſhould be raiſed to the very clouds, yet ſudden guſts of unexpected accidents might tumble them into ruins, to the confuſion of their contrivers and builders; and this mutability in commonwealths is a reaſon, why politics will never arrive at perfection.

"The principal cauſe of ſetting aſide natural liberty to have recourſe to civil ſociety, was to procure a ſafeguard againſt the misfortunes that threaten man from man. This ſafeguard conſiſted in recommending the obſervance of certain laws, the infraction of which, according to the ſtipulated aſſent of the ſociety, was to be attended with puniſhments adequate to the deſerts of the delinquent, and the execution of theſe laws was committed to the authority of one who was ſtyled king, or to that of a few who aſſumed the title of nobles, or to that of many who were called the people,

people, whence the diſtinctions of monarchical, ariſtocratical, and democratical governments.

Experience has ſhewn in regard to theſe three different forms of government, that the monarchical in the adminiſtration of a wicked man, degenerates into deſpotiſm, tyranny and oppreſſion; that the ariſtocratical, is nearly allied to regal arbitrary ſway; and that the democratical, though tending to the preſervation of liberty, has often been involved in a wretched cataſtrophe from the diſmal effects of anarchy and confuſion.

" Tacitus has recorded of the Roman Emperor Trajan, that he was the firſt that mingled together princely power and liberty, things formerly unſociable and incompatible. Agreeable to this notion of mixt government, our Saxon anceſtors wiſely adopted a ſyſtem, which, on one ſide was neither to dread the ills of arbitrary proceedings, nor on the other, the furious rage of inconſiderate populace. Holding a juſt medium between both, the force of their authoritative power became founded on the mutual conſent of the ſubject and rulers; becauſe all being ſuppoſed born to liberty, they could not reaſonably be ſubordinate to others, unleſs by their conſent. This conſent Plato calls harmony and numbers; for as harmony is the reſult of different voices ſinging in tune, and as a ſum or total, is made up of different numbers; ſo this conſent of different men, all tending to compaſs the ſame ſalutary ends, muſt be conſiſtent with harmonical proportion.

" It was to be ſo, according to the ideas of our Saxon anceſtors, ' if, firſt, the magiſtrate had a due regard for the public utility.' For all love, and willingly adhere to that, from whence they ſee an advantage derive to them. And hence it is, that ſome philoſophers have called a well regulated commonwealth a *rerum concordia diſcors*. Concord, when the magiſtrate and people conſpire to promote the public utility. Diſcord, when the diverſity of ſtate, and contention between the magiſtrate and ſubject falls under conſideration. This concord and diſcord nature exactly imitates. Nothing is ſo contrary as the elements to themſelves, yet out of them the harmonical univerſe is compoſed; and as on the diſſolution of theſe elements, it is not poſſible for the conſtituent parts of the univerſe to retain their former coheſion, ſo neither can the commonwealth remain intire, when this diſagreeing concord is diſlocated or rent aſunder.

" The ſecond manner for obtaining this conſent they judged to be, ' If the governing power was conjoined with, and influenced by reaſon.' For it is natural to think, that

 he

he who covets to have the will of others subject to him, should first subject his own will to the dictates of reason. When the people obey the magistrate, who governs according to the prescript of reason, they presume that they obey reason, and by obeying reason, they are satisfied that they obey themselves, because they act with reason, or at least flatter themselves that they have attentively listened to its admonitions. It is therefore incumbent on the magistrate in order to procure this consent and compliance to conform unreservedly his own will and pleasure to the most rational measures, and the most rational way of proceeding.

"The third manner for obtaining this consent, they also judged should be, 'If to all the members some part of the administration of the commonwealth was committed.' This seems to be the original basis of our government and liberty. In virtue of this regulation of our Saxon ancestors, none of us can complain of being excluded from participating in the management of our national affairs, as from the joint consent of our three governing states assembled together, and called the parliament, all matters relating to the good of the community, must be transacted and carried into execution. These states have been made in process of time to consist of the king, the lords spiritual and temporal, and the commons: Which last, are the representatives of all the commons in the kingdom; and in them their constituents have placed their highest confidence, by investing them with the power of making laws, and by entrusting them with all their liberties and privileges; so that, our system of government has not been improperly compared with some grand machine of the balance kind; the king and commons to counterpoise each other, and the lords endeavouring to obtain in both a just equilibrium.

"It may appear from this sketch of government, which has been handed down to us from our Saxon ancestors, in what a signal manner providence has helped us beyond other nations, by rooting so firmly in our hearts the love of order and liberty. The subjects of other kingdoms may groan under the frowns of arbitrary caprice; but we so long as we preserve unaltered our constitution of government, may justly pride ourselves in the valuable possessions of tranquility and opulence. It will be our own fault if we forfeit the deposite of so great a treasure. Ought we not therefore to use the utmost vigilance for its security? And ought we not even at the hazard of our lives and fortunes, to embrace all the opportunities, concert all the schemes, and enter into all the measures that may in any wise prove instrumental to make it permanent?

"It

"It has been always obſerved, that nothing has ſo much inhanced our national happineſs as a prudent choice of proper perſons to repreſent us in parliament. And indeed, a true repreſentative of the Britiſh nation ought to be endowed in an eminent degree with every good quality that can make him ſhine in the eyes of mankind. His education ſhould be of the beſt, that it might be preſumed he is intelligent in the laws, hiſtory, and uſages of his country; that he has ſtudied its real intereſt, and that he can both in word and deed ſhew himſelf a generous defender of the cauſe he has undertaken. Beſides theſe requiſites, he ſhould approve himſelf worthy of the choice out of his functions; by a ſtrict fidelity in his ſervices; by having a heart inacceſſible to the baſe arts of corruption, and a ſoul uninfluenced by the awe of power; by meriting applauſe from public ſpirited acts; by adhering to loyalty without ſervile meanneſs, and by loving liberty without running into faction.

"It has been judiciouſly obſerved by ſome ingenious authors, that notwithſtanding all the accurately concerted ſchemes of law and politics, enforced or recommended to the obſervance of men, very few are made better. An inveterate depravity ſo engroſſes the affections of the greater part, that they ſeldom give themſelves time to deliberate upon the intention of their actions. What is moſt prevalent with them is the example of others, perſons perhaps in power and highly eſteemed. Hence, the darling vice grows into habit, and they are eaſily, without any reluctance on their ſide, ſwept down the torrent. The diſorder therefore appearing remedileſs, it would be much conducive to the upright patriot's repoſe to ſeclude himſelf from all commerce with ill-deſigning men, to ſet aſide all concern for ſtate affairs, to inculcate no maxims of true policy, to harbour no ill opinion of the infractors of equitable laws, all pretending to be indemnified by authority, or ſeconded by example; in ſhort to ſuffer every individual to indulge his capricious humour, and live according to the dictates of his favorite folly.

"It may naturally be thought, that ſuch ſentiments are as a benevolent ſarcaſm upon mankind; the beſt method for procuring amendment being often to laugh perſons out of their vices, or ridicule them into virtue. But ſuppoſing them to be matter of fact, and that few intend to reap benefit from any proffered inſtruction, it is however preſumed that the excellency of the Engliſh conſtitution ſhould never be abſent from the minds of true Engliſhmen: Otherwiſe from ſlaves to their own paſſions, they muſt become ſlaves

to

to the passions of others; they will forfeit their liberty, and in their turn make trial of the oppression other nations are fallen under from a like misconduct. Such was the downfal of the greatest republic in the world, I mean the Roman, of which it will not be improper to recite here the principal circumstances; and, I am sorry to say we may on our own account trace a great similarity in the portrait.

'Hæc a le non abludit imago.'

"The Roman senate was more than once inclined to oppress the people, and the people inclined to much violence against the senate; but on these occasions they acted by a public principle; the people regarding the power of the senate, as a tyranny, which ruined freedom; and the senate, the liberty of the other, as an irregularity, which would end in confusion. Men now began to separate their private from the public interest. The bonds of society before thought so agreeable, seemed then to be troublesome chains, and every one growing uneasy under the laws, had a mind to resume his primitive right of disposing of himself, and in this choice to follow the motions of his own will.

"The first disgusts thus formed, it came to pass that men left the republic to cultivate their own private interest, sought new engagements in society, and adhered to those who might best gratify their passions. And what is very extraordinary, the corruptor remained a person of credit in the opinion of the corrupted, and acted more nobly than those who opposed the corruption. Esteem, and the honest inclination for men of virtue, seemed ridiculous to such as resolved to consider nothing but themselves. Honour began to pass for a phantom, glory for a vanity, and every one basely pursued his private interest, while he imagined he shewed his good sense and judgment by so doing. But this genius of interest which succeeded to that of honour, acted differently among the Romans, according to the difference of tempers. They who were actuated by magnanimity, strove to acquire power; inferior souls contented themselves with heaping up riches all manner of ways.

"As they did not suddenly fall into absolute corruption, there was a gentle sliding from honour to interest, and both subscribed in the republic, but with a view to different objects. A shew of honour was preserved in some particular actions, and nothing but open infamy in others. A general corruption reigned at Rome in matters relating to the citizens; integrity became every day more rare, justice was in a manner banished; and the desire of making a fortune was grown into the strongest passion. Nothing was more unjust than the judgments passed by

ly the senators, nothing so abominable as their avarice. By their authority, and by other wicked methods, they continually robbed the people of their small possessions; and these repeated injuries must have alienated their hearts, but without yet entertaining any ill intentions, they suffered this tyranny with grief, and being really more wretched than seditious, they expected, rather than sought after deliverance from this their distressed situation.

"Things now came to their crisis! the senators fell out among themselves about power, and when the state had been almost rent by civil wars, the conqueror deprived all indiscriminately of liberty.

"Soon after were studied the mysteries of the cabinet, and with them was hatched that absurd doctrine of the interest of a prince, as it is separate from the interest of the state, and generally runs counter to the public good. Judgment, capacity, and secrecy, were changed into craft, artifice, and dissimulation. Good and ill actions were no longer known as such; every thing was interpreted according to the nice intention of the prince, or was judged of by the malice of curious speculation. Complaints, which in all ages of the world have been allowed to the unfortunate for the relief of their miseries: tears, those natural expressions of our grief; and sighs, which slip from us in spite of our will; even looks, at length, became fatal. Plain, undisguised speech was thought to cover evil designs; the discretion of silence to conceal mischievous intentions. To speak, to be silent, to rejoice, to be afflicted, to be fearful, or undaunted, all was criminal, and very often incurred the most rigorous punishments.

"Thus it was that this noble people, from tasting the sweets of the best regulated liberty, fell into the snare of the worst tyranny and oppression. And, indeed, the like calamities must wait all other nations, when in contempt of the most sacred laws of conscience, honour, and justice, they prize more the sinister arts of life, than the beauty of order and integrity."

To the Printer of the POLITICAL REGISTER.

SIR,

As a constant reader of your Register, I gladly embrace the opportunity of here making you a communication of the contents of a private letter I lately perused from Pensylvania. You may consider it as an anecdote of a pretty singular nature; yet, among the heart-burnings and jealousies of our other colonies, characteristic of the mild and pacific dispo-

positions

position of the Pensylvanians, and the degree of liberty and tranquility each citizen enjoys in that province.

A Woman of a certain age is taken ill, and soon apprehends her life to be in danger. The thoughts of her children, all of them still young, fill her with distress in her last moments. She calls her husband to her, and expresses with great anguish to him her fears, lest the new wife he is likely to take, may ill use her children. She beseeches him with all imaginable earnestness to marry Ruth, a stout lusty young woman, and faithful servant, who had always behaved with affection to them. The husband at first considers this speech as the effect of a delirium brought on by his wife's fever; but she declaring that she spake to him from the feelings of her heart, and ardently desired his consent, as to the last request she had to make; he replied, that it should be as she wished, yet hoped he would not lose so good and affectionate a wife. Not content with this assurance, she requires of him a solemn and peremptory affirmation to marry Ruth, which he also was complaisant enough to comply with. The next day some diffidence occurring to her mind that her husband would not perform his promise, she again calls him to her bed-side with Ruth, tells her that she is going to marry her with a man she shall soon leave a widower, and exhorts her to love him faithfully, and bestow all her cares on her children, and the good management of the family concerns. Ruth in tears promises every thing she desires; the dying wife joins them herself in holy matrimony, receives their protestations and engagements, and compels them by this sanction of contract to fix the marriage by a tye indissoluble. In the mean time the patient grew better, and at length recovered; but the husband, who became very fond of his new wife, declared to the old one he would not part with her; and that, as she had obliged him to marry her, he would take care of her all his life. Far from taking the least umbrage, the old one was extremely well pleased, embraced her husband, and gave marks of her satisfaction in as great a degree as he could possibly require. Never did the least storm disturb the peace and union of this double domestic care. The young wife has had several children, of which the old one takes as much care, as of her own. She, on her side, has not ceased to entertain, for her benefactress, all her former sentiments of respect and cordial affection. The days of the Bigamist rise and sink in perfect composure, and not one of the Pensylvanian friends has expressed a word of any scandal given on the occasion.

Against

Thoughts on Regularity, Exactness, and Punctuality.

REGULARITY, exactness, and punctuality, resemble some of those little obscure trades, which are exercised with great fatigue, yet by their emolumental produce are hardly capable of supporting life. A patriotic act or speech has oftentimes been the occasion among us, of extolling an otherwise worthless fellow to the skies; one only warlike exploit may be sometimes sufficient to make a man's valour known, and to raise him to the first posts of honour; some actions of liberality may introduce another into popular favour, and enhance to a great degree his reputation for beneficence; but regularity, exactness, and punctuality neither raise nor enrich any; and self love is never so straitened as when it finds itself in persons, possessed only of these virtues, because having, as it generally has, vast pretensions, it can then form only little designs.

But if these virtues shew no lustre when unaccompanied with others, and confined to subjects very little remarkable, they change condition and become considerable when joined to great virtues, and when met with in the persons of princes and ministers. For what can be finer than to see a man of honour, of faith, and of probity, very regular in acquitting himself of all the duties of civil life, and very exact and very punctual in accomplishing all his words? Is there any thing more estimable than the regularity, exactness, and punctuality of a prince or minister of state, who forgetful of their elevated station, subject themselves to all the laws of custom like men of the lowest class, and who, notwithstanding their continual occupations and multiplicity of affairs that divide their attention, perform always, and in regard to all sorts of persons, whatever they have promised.

The splendour that reflects on these virtues, when in conjunction with others of a superior cast, and the advantageous light they appear in amidst the magnificence of illustrious personages, does not hinder, however, their being false, when they who are so exact and punctual, are only so for the love of themselves, and in order to oblige others by their example to be wanting in nothing in the respect they imagine due to them. We may be persuaded of this for two reasons. The first, that they always set forth their punctuality, declaring how exact they are to the appointed hour, how they have forgot none of the circumstances of the affair they were charged with, and a variety of other particulars. The second, that they cannot bear with the least fault committed against punctuality and exactness in things they have recommended, and therefore severely censure and reprimand those who have failed.

The punctuality and exactness of persons of the first rank and in great employments, proceed, from their observing that these virtues, which usually strike not the eye, being in themselves as in an eminent place, are perceptible by all, and the more esteemed, as rarely found in persons who have no occasion for others, and who otherwise are burdened by business. They also adopt exactness and punctuality much with the same view, as some handsome women, who from an extreme desire of pleasing, are industrious in adorning themselves with some pretty trifle, some striking whim, whose force they well know and are assured of. But the person of real integrity fulfils all the duties of civil life, with the view to the good of his neighbour; and this benevolent consideration does not suffer him to be wanting in the least respect, which seems requisite to perfect in him this regular, exact, and punctual conduct.

Singularity of the Dreams of the Hurons, a people of North America, extracted from the 'Voyageur Francois,' lately published at Paris, by M. L'Abbe de la Porte.

DREAMS, says, this author, form an essential point of the politics and religions of the Hurons. They place an implicit confidence in them. On the eve of a day of battle, they do not fail to recollect their dreams and to interpret them. They who have had bad dreams, withdraw, none blaming them for so doing. This superstitious prejudice is very convenient to cowards, and is often so much indulged, that their whole band of fighting men very often disperse. 'Tis not the dreamer only that satisfies the obligations he imagines to be imposed on him, it would be a crime to refuse him what he desires in his dream. A Huron having observed, says our author, that a Frenchman had a better blanket to his bed than his own, asked him for it in virtue of his dream. The Frenchman delivered it to him directly, sure of having his revenge. In a few days after, paying him a visit, and seeing him in a fine fur, he pretended he had dreamed of it, and the Huron unasked gave it to him. This alternative of dreams lasted for some time, but the Huron first tired of it, as finding himself the greatest loser, made the Frenchman promise him they should dream no more of any thing belonging to each other.—But the following instance of this their extravagance in dreaming is still more extraordinary.

A Huron having dreamed that the happiness of his life depended on the possession of a woman married to one of the most considerable of the Hamlet, made a demand of her. The husband and wife lived in perfect union, and their separation was a sensible affliction to both. However, not daring to refuse him, they

they parted. The deserted husband entered into a new engagement, to take away all suspicion that he still had any thoughts of his first wife.

Against Luxury. An Essay.

——————————Sævior armis
Luxuria incubuit, victumque ulciscitur orbem.

JUVEN.

THERE is no paradox in political morality but some famous authors have endeavoured to improve into some degree of credit, by presenting it under a spacious point of view.

Even in our days some writers of distinction have advanced, notwithstanding the remonstrances of reason and experience, that luxury contributes to the splendor of states, and is their support.

This opinion has been already refuted; so that without here entering into long and argumentative discussions, I shall only offer some reflections on the subject.

To silence those who will not allow luxury to be banished from a well policed government, it is enough to give a proper difinition of it.—What then is luxury? "it is a superfluous expence, an excessive sumptuousness, extending to whatever may flatter our taste, our delicacy, and our pride."—This difinition is exact.---What man, a friend to the public once admitting it, will become the panegyrist of luxury?

Can it be denied that a state, wherein two-thirds and a half of the citizens live in extreme wretchedness to pamper the ostentatious pride of a small number of men, called happy, is not at the eve of its fall? Such is the image of every monarchy and every republic, where luxury becomes the predominant passion.

Luxury, it is said, maintains manufactures, causes commerce to flourish, and thus becomes a necessary resource for the people of our cities. This I grant, but I answer with Rousseau, that "luxury feeds a hundred poor in our cities, and destroys a hundred thousand in our country villages."

Let us only visit some of our commercial towns and cities: in them will be found an innumerable populace, who, to live in indigence, have deserted the fatal fields that gave them birth. In what then are this multitude of wretches busied? from the rising to the setting of the sun, their labour and their sweat are employed in fabricating some of the vainest and most futile ornaments of opulence.

Ye, who present to my admiration those pearls of the finest water, and those diamonds that adorn the heads and necks of our ladies, what an infinite number do you think of your like have

 been

been sacrificed to haughty luxury, by penetrating through a thousand dangers to the depths of the sea, and into the bowels of the earth, in quest of these precious nothings?

The queens of Persia distinguished themselves by an extraordinary magnificence in their cloaths. We read that they had provinces assigned them for furnishing the various implements of their dress. One of the provinces of the empire, was called the queen's girdle; another her head-dress; another, her bracelets. How many, more than Persian queens, have we now in the world, who not content with the produce of their own country, would have both Indies ransacked for superfluous ornaments.

When therefore will that sex, which by external shew seems so much to affect the empire of beauty, think of making it to consist in virtues, its only ornaments, and not in the pompous display of gold, silver and brilliant gems, which have nothing better than vain opinion to enhance their value?

Would you know, says Seneca, "Whether there be any disorder in the constitution of a city or state? see if luxury reigns in it."—I shall add to this thought, by desiring an enquiry to be made, whether all conditions are confounded in it; whether we can no more distinguish the tradesman from the man of quality; the lady from her tire-woman; whether we do not meet with a general depravity in all the members of the body-politic; whether all hearts seem not emasculated by excesses and delicacies of all kinds; whether the lawyer cannot treat you with the magnificence of a duke; whether a courtier, by being in place half a year cannot give a truly royal banquet; whether noble lords, infatuated by a passion for gaming, do not ruin their posterity to the sixth generation; and whether military officers do not degrade themselves by seeking a life of voluptuous indolence, such even as a women would be ashamed of?

Deplorable is the state that should know itself in this picture, or that knowing itself, should not be sensible of the danger it is in!

Unhappy will be the people, who are captivated with the love of conquests, because luxury and the corruption of manners, the necessary consequences of that passion, will not fail to obtain an easy admission among them! still more unhappy will they be, if having great interests and concerns to decide, they have none but a soldiery enervated by effeminate luxury to oppose to a fierce and hardy enemy! Did luxury triumph, when the contest for the empire of the world was to be decided in the plains of Pharsalia?

"Every

"Every use of riches that hurts a better use, is luxury. —This is a good principle and may be that of sound moralists; and I believe the partizans of superfluity will allow, that the use of riches which hurts a better use, is not the more adviseable; and if it hurts a just thing, it is dishonest; and if a necessary thing, it is extravagant.

"Every use of riches that contributes to the comforts and conveniences of life is good."——I admit arts and sciences; I love music, and the manly sense of theatrical exhibitions: But permit me to say, that "Every use of riches, which hurts my health or my virtue, is bad;" and this bad use is real luxury.

I will not aver, that it is a better act to have an apartment gilt, than to give charity. Here I may appeal to the heart, believing that compassion is a natural sentiment, and a want of the soul, and that gilding is only a taste. Now, it is better to gratify a sentiment of the soul than a taste, and if I give the preference to the latter, I am in the wrong, because my neighbour has reason to complain if he suffers by it.

I shall always be against the enemies of arts, because arts by procuring conveniences procure also pleasure, which is a real good for an honest man in this world: Still would I not approve the sacrificing of every thing to pleasure. Happiness is not positively any pleasure, at least that which is not entirely rational: Nature has not given us the measure of strength which is necessary for a lively and continued pleasure; our organs are tired, and it is this lassitude that may be called satiety, as well for the mind as for the stomach. Who will say that luxury does not lead to satiety?

I think that a great state is preferable to a small one, when it is well governed; and that the sovereign, whose subjects have more resources of wealth, may be happier than another: Yet, the more opulent sovereign should direct the minds of his subjects toward useful expences, and not towards luxury; all the officers of his state should be restrained within decent necessaries, and those particularly among them should be prohibited ostentation, whose more immediate care it may be to be vigilant in concerting means for procuring the relief of the people. If their luxury is not vicious, and deserving the princes animadversion, all ideas are changed, there is no more morality.

All the questions on luxury, may therefore be reduced to this one:—"What is the employment of riches which is called luxury?"—It is their abuse, and this abuse may sometimes extend to superfluity, an excess in a private person

person, and a real calamity in a state; so that every employment of riches, is not the use of riches; neither in the main is every superfluity an abuse. Morality and politics will, I dare say, subscribe to these truths.

To the Printer of the POLITICAL REGISTER.

SIR,

YOU have here an account of a Tract lately published in Holland, which may not be uninteresting to many of your Readers. It is written by M. de Haren on the conduct of the Dutch at Japan. He indeavours to justify them from the several reproaches and accusations laid to their charge, concerning the base and unchristan manner they are supposed to have adopted for ruining the commerce of the Portugueze and establishing their own in that country; and he shews that they only availed themselves of circumstances, and sometimes had recourse to reprisals against a nation with whom they were at war. But he does not touch upon their supplanting the English by the same infamous stratagem.

The queston he examines, and which has been variously agitated, is, "whether the Japonese require the Jesumi of the Dutch, and whether they comply with that test. The ceremony called the Jesumi is performed at Japan in those parts were there are any suspected Christans. Commissioners with a list of the names of the inhabitants of all sexes and ages, visit successively every house with two Images, one representing a crucifix, and the other the virgin Mary or any other saint. They assemble into a room all the inhabitants of the house and oblige them one after another to trample upon these images. Even children are not exempted. Their mother, or nurse lead them along, place their feet, and hold them up by the arms." M. de Haren assures us, that no such test in detestation of Christanity, was ever exacted from the servants of the Dutch East India Company, nor were they ever eye witnesses but once of that ceremony, and this was occasioned in consequence of a fact recorded in the registers of the factory of Naugazaqui.

In 1704, the governor summoned before him the chief of the Dutch factory in order to proceed to the examination of six strangers, who had been laid under an arrest, and whose language was not understood. Two of them proved to be Hollanders; one, a Flemming; two Scotsmen; and one an Englishman. They had been made prisoners by the Spaniards, and having escaped in a boat, were driven by chance on the coast of Japan. One of them said he was a

Protestant

Proteſtant, and the reſt obſerving the ſatisfaction this account gave the Dutch, did not heſitate to declare themſelves of the ſame religion, The Japoneſe who had made an exact inventory of their effects, were uneaſy on finding a Catholic prayer book amongſt them. The owner of the book pleaded an excuſe which was admitted. However the governor having them ſearched again, a ſtring of beads with a medal at the end repreſenting a ſaint, was found, to the great conſternation of the Japoneſe council, in the pocket of one of the two Hollanders. This circumſtance, equally alarming to the Dutch Factory, drew bitter reproaches from the Japoneſe on this man for not having made a diſcovery of his beads on examination; but he, without being in the leaſt diſconcerted, anſwered only that he did not believe ſuch a trifle was worth mentioning, becauſe indeed it was not properly a ſet of beads, many of the grains being wanting; and happily for him, he ſhewed that he had made uſe of ſome of them as buttons to his waiſtcoat, where in fact there appeared three or four, which greatly appeaſed the Japoneſe.

Theſe priſoners had a journal among their effects, which belonged to one of the Hollanders. Being delivered to the Heads of the Factory to give an account of it, they diſcovered by it that this Hollander was a zealous Catholick, and that he prided himſelf in having converted two perſons to that religion. All of them would have met with inevitable deſtruction, if they had made a declaration of what they had diſcovered. They contented themſelves with ſaying, that none of the ſix was a Prieſt; that one of the Hollanders had deſerted from Batavia, and that they claimed him to be ſent back there and puniſhed. The Japoneſe Govenor did not confine himſelf to this examination: He made a long recital of the perſecutions the Catholicks had ſuffered, and of their reſolutions to die rather than commit a ſacrilege. Afterwards he orderd to be brought in the images that ſerved for the Jeſumi-teſt, and told the priſoners they were to ſpit upon them with contempt, and trample on them in an indignant manner. They all did as they were deſired, and being diſmiſſed, were commanded on their peril to quit the country on board Dutch ſhips and no other. In the mean time they were put again under an arreſt and a hut of wood was built for them in which they were guarded by an armed band. This hut was burnt as ſoon as they had left it, but every night during their journey, they found a new one which was alſo burnt the next day,

The

The result of M. de Harens researches is, that the Dutch more dextrous and more prudent than the Portugueze, never concerned themselves about the political affairs of the Empire of Japan, and availed themselves of circumstances for gaining there a settlement. They have ever since, he says maintained themselves there also by the same prudential conduct, and by a submission to the laws, which forbid the preaching up of any religion contrary to the worship authorized and followed in that empire.

Parliamentary Proceedings in Ireland, continued from page 201, of our last number.

Feb. 11, 1772.

MR. Cramer mentioned, that notwithstanding promise had been made that no pensions should be added to the list, yet several pensions had been ordered since October last, and made to commence, some in January 1770, and some in January, 1771.

Sir George Macartney replied, he supposed the honourable gentleman had been copying some coffee-house list, but that it was very common to antedate the commencement of the pensions, several months prior to the date of the King's letters to such persons as merited such favour.

The House then resolved itself into a commitee, (Major Sir John Jefferies in the chair) on the heads of a bill for regulating Masons, Carpenters, Painters, &c. and preventing combinations of the journeymen. The Bill being agreed to by the House, Major Jefferies was ordered to wait upon the Lord Lieutenant with the said bill. The House was then called over, and the defaulters ordered to be called over again on Monday next, and those who were not then present to be taken into custody of the serjeant at arms.

Mr. Barry Barry moved, that a list of the Pensions granted since January 1, 1771, should be laid before the House. This was agreed to.

Mr Flood moved to have the Patent for the New Commissioners of Excise read to the House, which was done. Mr. Mason said he thought there was something very particular in desiring the Excise Patent to be repeatedly read, and no notice taken of the Patent for the Custom house Board. He therefore moved that it might be read also; which being agreed to, it was read accordingly.

Mr. Cramer then moved that the former Patent for the last Revenue-board might be read, to see the extent of the powers in the different Patents, this was complied with.

Mr.

Mr. Flood moved that the resolutions formerly agreed to, relative to the new Boards might be read, which was done.

Mr. Solicitor General moved that the Lord Lieutenant's answer, when the resolution was laid before him, might be read, which was also agreed to.

Mr. Flood then arose, and said, "he did not at present intend to enter into a discussion of the propriety or impropriety of the measure, that had been already fully and sufficiently defeated; but the question then properly before the House, was, how they should vindicate the honour of that house, assert its rights, and shew a proper resentment for the contumely and insult with which it was loaded. The advice of the House of Commons, expressed in a resolution, and laid solemnly before the representative of Majesty, was, that, seven Commissioners had been found sufficient for the business of the Revenue.—Was not this an implication, that more then seven would be more than sufficient; and was not this shewing the sense of the House to be against this measure, as unnecessary and burthensome? Yet the resolution of the House had been mocked at, their advice slighted and the measure caried into execution, in express contradiction to the Commons of Ireland. Was it not easy to perceive that the intention of the Ministry was not only to throw contempt upon the House, but even to make the people out of love with Parliament. The Commons are to give their advice, or not; they are to interpose when any ruinous or destructive measure is on foot, or not to interpose. If they are not advise, nor to interpose then they are useless; they are only a mere mockery of Parliament. But if they advise, if they interpose, and they are then set at naught, what must people think of the dignity and utility of Parliaments, when they behold their advice and interposition serves only to bring down upon them, and to confirm the very evils which they deprecate. And people will soon grow out of love with Parliaments, when they see they are made use of as a sword to wound, not as a shield to protect them." He then moved the House to resolve, that this House will disallow any expences, or contingent charges, or salaries which may be incured by dividing the commissioners of excise from the commissioners of customs. and increasing the number of Commissioners, contrary to the advise of this House shewn in the resolutions which had been then read.

Mr. Mason (one of the new Commissioners) began with complaining that "on this occasion he had been pointed out as a peculiar object of obloquy, both within doors, and to the public without doors, as if he had been particularly

 culpable

culpable. Why (ſaid he) is the Patent of Exciſe particularly animadverted on, and not put on the footing of that of the Cuſtoms? Why is complaint made that the Board of Exciſe is taken from the Board of Cuſtoms, and not that the Board of Cuſtoms, taken from that of Exciſe? When the reſolution was made, that ſeven commiſſioners *had been* found ſufficient, it is plain that regarded only times paſt, not the preſent time. *Seven* might have been a ſufficient number in the year 1758, and yet not be ſufficient now; therefore that reſolution was only declarative of what *had been*, and not of what *was*, and as it had been made a handle on the preſent occaſion he looked upon it as a diſgrace to the Houſe."

Lord Kildare, jealous of the honour of Parliament, and with an honeſt ſpirit of patriotiſm, which ſo eminently diſtinguiſhes that young nobleman, and worthy repreſentative of Dublin, took fire at this expreſſion, and called Mr. Maſon to order. Mr. Maſon ſtrove to extenuate the harſhneſs of the expreſſion and then went on thus:

"The diſtreſſes of this nation have been frequently mentioned in this houſe, and painted in very affecting colours. If this nation, is diſtreſſed, can any thing be more agreeable to true policy and tenderneſs in government, than to ſtrive to relieve that diſtreſs, by a proper collection of the eſtabliſhed revenues, rather than burthen the publick with new taxes. It is notorious that all has not been made of the revenues which might have been made; and his Majeſty wiſely thought that the beſt reſource was by this meaſure to regulate the mode of collecting the revenues, that the whole of its produce might be brought into the Treaſury, and fully applied to the exigencies of government.—Gentlemen talk of the great increaſe of expence this meaſure will introduce, but they forget ſurely that all the expences of collecting and managing the exciſe and cuſtoms muſt be taken from the produce of the revenues and not from any appropriated fund."

Mr. Cramer replied, that "even allowing the whole of the Gentlemen's argument, it proved nothing; for, if the charge of collecting the revenue was thus enormouſly encreaſed, yet, though that charge was taken from the produce of the revenue, the neat remains would be thereby proportionably leſſened."

Sir Edward Newnham ſpoke next. He ſaid "from an experience of twelve years in the revenue, he averred that five commiſſioners only were ſufficient to do even more buſineſs than they have ever yet had to do.—That he looked upon this meaſure to be adopted only with the intention of procuring an undue influence by the multiplication of offices,

and

and consequently of dependants on the will of the ministry. That for that reason, he should always be against it, and hoped every gentlemen there would join with him. That as several members had offended their constituents by their parliamentary conduct, now was the time to regain their affection, by opposing this measure, and thereby demonstrating that any former offence they might have given, arose only from error and mistake, not from principle."

Mr. Flood was then called upon to know whether the resolution he had proposed stood singly, or was only preparative to some other which where to follow. He replied, that for his part, he had no other motion to make, nor did he know of any other. Counsellor Hellen in a very long speech, spoke to the legality of the measure, and that therein, the King had done nothing but what he was empowered to do by several Acts of Parliament; but did not touch in the least on the propriety or expediency of it.

Mr. Lodge Morris replied, " that many things might be strictly and literally legal, which were nevertheless very inexpedient and highly improper. The Crown in the first instance, from ignorance, or misinformation of the real state of this nation, might in this measure intend well. But whoever advised it to be carried into execution was highly criminal, since it was concluded not only without asking the advice of this house, but even contrary to the solemn advice it had given."

Mr. Prime Serjeant urged, " that this resolution was not only improper, but even illegal, as it was contrary to express Acts of Parliament, which orders the chief governor and the commissioners to pay all officers salaries out of the revenues."—And the several clauses respecting them were read to the house.

Mr. Ogle spoke very forcibly against the measure. He said, " that in this case, there was a great resemblance to several felons, who by taking care to skulk behind the strict letter of the law, did not care what wickedness they committed, if they could by a flaw in an indictment or any law quirk escape with impunity. That he was not afraid to declare, that whoever it was that advised this measure, he was an enemy to the king, and a traitor to this kingdom. That we had here men who were ministers, indeed, but he was sure they were not ministers of grace."

Mr. Flood rose again, and told the house, that since he found his motion laboured under some difficulties, he would withdraw it, and in its place would substitute another, which

 he

he could not conceive was liable to any objection. He then moved the House to come to this resolution.

"Resolved, that this House will make no alterations in the revenue laws, which shall tend to give effect to the dividing the board of Excise from the board of Customs, and the multiplying of commissioners, contradictory to the advice of this House, shewn in the resolution which had been then read."

Mr. Malone said, this resolution was very nugatory; for, if a negative should be put upon it, it would then imply that this House would make alterations in the Revenue Laws, that should tend to give such effect."

Mr. Flood then amended his motion thus:—"That this House will refuse their consent to any law that shall tend, &c.

While this amendment was inserting in the motion, the ministerial cabal were whispering together; and Mr. Mason having got his cue, moved to amend the resolution, by inserting between the word law and the word that, these words, However beneficial they may appear to the public service. He then owned, that this amendment would throw absurdity on the whole resolution, and that if it was carried, he intended a further amendment, by omiting all the remainder of the resolution.

This low chicane, this infamous method of destroying a resolution, by a contradictory amendment did not escape the severe and spirited animadversions of Mr. Ogle.—Mr. Mason replied with some warmth, and was as warmly answered by Mr. Ogle. Mr. Flood spoke very forcibly against the amendment.—Mr. Malone said, "that the worst that could be said, was that the crown had not followed the advice the House had given: that there was no obligation on the crown always to follow such advice as might be given. That the crown had by the constitution a negative voice in every bill brought for the Royal Assent;—that when the Royal Assent is refused; it is certainly going against the advice of both lords and commons, expressed by the bill which is presented. That this had been done; and that the commons have refused their assent to bills sent down from the lords, and the lords have done the same by bills sent up from the commons; in every one of which instances there was an acting against advice solemnly given."

Mr. Flood replied to Mr. Malone; and then Mr. Conolly rose, and said, "that though he should ever oppose the creation of new offices, and the increase of national expence, yet, as the appointments were now made, he was of opinion they ought

ought to be provided for. But that he should be very glad that all commissioners of excise and customs should be made incapable of sitting in the house, as they are in Great Britain.

Mr. Scott "hoped gentlemen would not suffer themselves to be captivated with the eloquence of the gentlemen, who moved for this resolution, but rather would consider the advice than the abilities of the adviser."

Mr. Barry Barry said, "that the advice of this house was held so sacred in the affair of the augmentation bill, that royal prerogative gave way to it."

Sir Thomas Butler spoke against the motion; he urged "that the measures so much condemned, would be found very salutary, and have good effects, that it would encrease the revenue so much, that he dared to answer the commissioners would readily forego their salaries, to have secured to them only the half of the encreased revenue in consequence of this measure."

Mr. Ponsonby declared, "that he was of a contrary opinion; was very confident this new measure would be attended with an additional expence, which would prove greater than could be borne."

Mr. Fitzgibbons spoke for the resolution, and Sir George Macartney against it: and that the present inferior officers were not sufficiently numerous to collect the revenue as it ought to be collected.

Mr. Ponsonby denied this assertion, and declared there is no need of an increase---Mr. Le Hunt spoke next in favour the motion, and Sir George Macartney asserted, that the exports of this last year had exceeded those of the preceding, to the amount of 400,000l. therefore more officers were wanting. Mr. Rowley spoke against the amendment; after which Mr. Flood and Sir George Macartney, had some sarcastic altercations with each other, which were put an end to, by some humorous expressions of Mr. Scott, and then the question being put, for receiving Mr. Mason's amendment, and the House dividing---there were told,

For the amendment,	107
Against the Amendment,	117
Majority	10

The Provost then arose, and proposed to postpone the decision of the main question, and colonel Burton opposed him, and urged it to be put directly, and it being put, the House divided, and there were told.

For the Resolution,	119
Against it,	107
Majority	12

It was now paſt ten o'clock at night; and the debate had continued near eight hours without intermiſſion; yet late as it then was, Mr. Barry Barry roſe to make a motion: he ſaid, "It had been the conſtant cuſtom of parliaments to inflict puniſhments on their own members when they had offended the Houſe; and that puniſhment was, either ſuſpenſion, confinement, or expulſion." (He then read ſeveral precedents out of the journals of the houſe.) "That for his part, whenever the dignity of the houſe demanded to be aſſerted, he ſhould ever be ready to ſtand forth to defend it, and puniſh every inſult upon it; but at the ſame time he ſhould ever incline to lenity, and wiſh to puniſh in the moſt merciful manner: at preſent the conſequence of the houſe ought to be maintained, ſome of its members had been guilty of an high miſdemeanor, in contempt of the houſe, and for example to others, ought not to go unpuniſhed; he would therefore move the houſe, that ſuch members of the houſe who have accepted commiſſions at the new board of exciſe, contrary to the ſolemn reſolution of the houſe againſt that meaſure, may, for ſuch contempt be ſuſpended from ſitting in this houſe during the time they ſhall act under ſuch commiſſions.

L. Kildare deſired that the members meant in this motion (Sir William Oſborne, Mr. Maſon, Mr. Waller, and Mr. Montgomery,) might withdraw while the debate continued. This was ſtrongly oppoſed by the Prime Serjeant, who ſpoke to order. "He ſaid, that when any member of that houſe was accuſed of any crime or miſdemeanor, it was the conſtant practice for him to have notice of it from the member, who moved againſt him, that on ſuch a day, he would move the houſe againſt him, that he might have time to prepare for his defence; as the moſt innocent perſon could not always be ready to defend himſelf at a moment's warning againſt a concerted attack.

Lord Kildare replied to Mr. Prime Serjeant, and colonel Burton ſaid, he thought ſome diſtinction ought to be made between thoſe who were abſolutely new commiſſioners, and thoſe who being in the former commiſſions, were continued in this. There was one gentleman (Sir William Oſborne) who could not be ſaid to be any way culpable; and he thought the indignation of the houſe ſhould be rather directed againſt the adviſers of this meaſure, than thoſe who had accepted the places.

Colonel Brown roſe up to tell a ſtory, when a great army of the Ruſſians attacked the king of Pruſſia, they were beat, but the Pruſſian monarch, not content with one victory, followed the routed Ruſſians, and attempted another, but met with a ſound thraſhing.

Mr. Flood ſaid, that he did not think any diſtinction ought to be made between the old and new commiſſioners, ſince all who

who were included in the new patent for the Excise were equally culpable in accepting places which they knew were obnoxious to the house.

Mr. Talbot and Mr. Bushe replied to Mr. Flood, and were answered by Mr. Barry Barry, Sir Thomas Butler then rose in behalf of the commissioners, and urged that they had not shewn any contempt of the house, as they accepted their places before the resolutions were taken against them.

Counsellor Shell spoke on the same side.——Mr. Mason (whose countenance was greatly altered from that alertness and satisfaction he shewed the preceeding Tuesday, while he was skipping about the house, and exultingly receiving the congratulations of his friends during the reading of the patent) then arose, and spoke in his own defence, and was answered by Lord Kildare. The Prime Serjeant strained every nerve to exculpate the commissioners, and averred, they had not offended any law of the land or rule of parliament, as the house had not passed any vote, that no member of it should accept of any such place.

The speaker then asked of the house, whether on putting the question the gentlemen who were the objects of it were to be allowed to vote? Mr. Malone urged, that they were; and then Mr. Hussey arose, and with his usual eloquence, recapitulated every argument that had been used in the defence of the guilty members. Their being present in the house while the former debates were carrying on this question, was a sufficient notification to them of the sense of the house; and rendered them as culpable as a formal vote would have done. Mr. Scot replied, and was answered by Mr. Flood. Mr. Barry Barry then, as it was late, offered to withdraw his motion to another opportunity. But the Attorney General opposed it, and would have the affair decided at present. Mr. Talbot urged the same, and Mr. Malone hoped that the question might not even appear in the journals of the house. Mr. Burke, jun. then spoke in his usual way. Sir William Osborne, Mr. Waller and Mr. Mason severally spoke in defence of themselves, and for the immediate decision. Mr. Flood, Mr. Barry Barry, and Lord Kildare insisted on having a fuller hearing of this matter. And the question was put whether Mr. Barry might have leave to withdraw his motion, and carried in the negative without a division. The main question was then put, and also carried in the negative without any division; and the house adjourned till Thursday, it being then within four minutes of one o'clock in the morning.

Thursday, Feb. 13.

The house being met according to adjournment, from Tuesday

Tuesday, it resolved itself into a committee. Sir Charle Bingham in the chair, to take into consideration heads of a bil for permitting papists to take long leases of ground for building houses, in cities and corporate towns. After some time spent therein, the speaker took the chair, and Sir Charles Bingham reported, that the committees had made some progress, and begged they might have leave to sit again to-morrow, which was granted, and the house adjourned.

Friday, Feb. 14.

The committee of the whole house sat again on the papist lease bill, and having made a further progress, are to sit again on Tuesday next. (Many arguments were used *pro* and *con* these two last days, but as they will all be recapitulated, when the bill has passed the committee, and comes before the house, and the whole taken in one point of view, they will come with more propriety in our account of that day's proceedings.]

The speaker having resumed the chair, the order of last December was read for the going into a grand committee of courts of justice, to take under consideration the complaint made against Judge Robinson, for having laid a fine of three hundred pounds on the county of Armagh at large, for a piece of road in a particular barony being unrepaired. This order was, however, set aside by the question being put, and carried for adjournment; and the house accordingly adjourned till to-morrow.

Saturday, Feb. 15.

Advice having been received of the death of her Royal Highness the Princess Dowager of Wales, the house of Commons took the earliest opportunity of expressing their duty to his Majesty, and condoling with his domestic grief, by appointing a committee to prepare an address of condolance on this melancholy occasion.

The house resolved into a committee, Mr. Brabazon Posonby in the chair, to take into consideration heads of a bill concerning fines and leases of bishop's lands, for the better improvement and cultivation thereof. After some time spent therein, the speaker took the chair, and leave was given for the committee to sit again.

The committee to whom the propagation of an address had been confided, brought it in and it was read by the Speaker. It was then read at the table by the clerk, first at length, and afterwards paragraph by paragraph, which were severally agreed to without any amendment. The members who were of the Hon. Privy Counsel were ordered to wait on the Lord Lieutenant to know when it would be his Excellency's pleasure to be attended on by the whole house, with the Speaker at

at their head with the Commons addres to his Majesty; and then the house adjourned to Monday.

Monday, Feb. 24.

The House resolved itself into a Committee, to take into Consideration the state of the nation (Mr. Ogle in the chair) Mr. Hussey spoke a considerable time on the great increase of the national debt, and of our national expence, still much enhanced by superfluous offices, and unnecessary charges; taking notice, that the extraordinary expences of the most extravagantly expensive sessions, are made regularly the basis of estimates for the next sessions. He did not point out any particular means of redress, or make any motion, leaving that to other gentleman on a fuller discussion of this business, which is adjourned to next Wednesday.

The House then went into a Committee on the Papist lease bill (Sir Charles Bingham in the chair.) Mr. Cramer moved to add a proviso, "excepting that part of the town of Belturbet, which belongeth to the corporation thereof." In support of this, he said, By the charter of that town, no papist was to be permitted to reside in the town, and hoped gentlemen would not annul the charter of a corporation by passing the bill. This was opposed; and Mr. Scott thought it would be sufficient to say, "saving the rights of the charter of Belturbet." Colonel Brown was of opinion there was no occasion for this exception; for if the inhabitants of Belturbet did not like papists, they had nothing to do but avoid giving them building leases. The Committee divided, and there were found; Ayes for the proviso, 59; Noes against it 57.

The ill success of this motion did not deter Mr. Adderly from moving for the like proviso for the truly Protestant town of Bandon, the only town in Ireland wherein Papists are not permitted to dwell. He said, "the town of Bandon had often suffered by the bloody persecution of the papists; that our ancestors had wisely entered into rules in that town, not to admit papists to reside there, as they had been so cruelly used by men of that persuasion. That Bandon had been the only place of refuge for the protestants of that part of the country during the wars in King William's time.

Mr. Mason said, this proviso was also quite unnecessary; for no papist in his senses would ever think of venturing to settle there, or to build in Bondon; for, that as the citizens of Bandon had always such a dislike to them, the papists would not trouble them.

Mr. Adderly replied to him, and Sir Edward Newenham said, he thought it the more necessary, since if the Bill should pass, without such a proviso, papists would go there in swarms

out of choice, to remove the ſcandal they had lain under of not being admitted there. Bandon would be the firſt place they would endeavour to eſtabliſh themſelves in; but they always beheld that truly proteſtant town with a jealous eye; and though he was totally againſt oppreſſing any man or ſet of men for their religious principles, he would never give a vote towards allowing the papiſts to, have any power over the elections of members of parliament, or magiſtrates of towns corporate.

The Houſe divided on this queſtion, and there were told; Ayes, for the proviſo, 57; Noes, againſt it, 55.

The ſeveral paragraphs of theſe heads of a bill, having been ſeverally gone through, and agreed to in this and the former ſittings of the Committee, the preamble was read, which runs thus:

"Whereas it may contribute to the benefit of the nation, the encreaſe of trade, &c. &c.

Mr. Lehunte moved the Committee to amend the proviſo, by adding after the word *to* the words "encourage the further growth of popery;" which he ſaid he was fully convinced it would do.

The Committee divided on this motion, and there were found: for the amendment, 58; againſt it, 57.

Mr. Maſon then aroſe, and ſaid, "He did not yet diſpair of the ſucceſs of the bill, which he looked upon as a very good and very uſeful one; for it would lie in the breaſt of the houſe, when theſe heads of the bill came before it, to expunge theſe words now added to the preamble; but the hopes of Mr. Maſon, and the other favourers of the bill were effectually ſtifled by Colonel Giſbourne, who ſaid he hoped the committee would not preſent any bill to the houſe, the preamble of which declared it was to contribute to the further growth of popery, therefore he moved that the chairman ſhould then leave the chair." Mr. Hamilton then ſpoke ſtrongly in favour of the bill, and a debate continued near an hour with a repetition of arguments already mentioned, and in hopes to prevail on Colonel Giſbourne to withdraw his motion, but he perſiſted in it, and when it was put, there were found; for the chairman's leaving the chair, 58; againſt it, 55.

Thus the chairman not being authorized by the committee to make any report of its proceedings to the houſe, this bill is totally loſt, nor can be any way revived this ſeſſion of parliament.—

Tueſday, Feb. 25. The grand ſtanding committee of courts of juſtice ſat this day (Mr. Burgh in the chair) to take into conſideration the petition of the freeholders of the county of Armagh,

Armagh, complaining against Mr. Justice Christopher Robinson, for having laid a fine on the county for not repairing a piece of road.

Some motions were made for resolutions, and divers amendments proposed, none of which came to any issue, from the debates taking a particular turn.

John Ford, Esq; Clerk and Register to Judge Robinson, was examined at the table, relative to what grounds the Judge went upon in laying this fine. It appeared that the last circuit but one, a part of the road was in a very bad condition which the Judge saw; and that on going this last circuit, his Clerk told him it was then in a ten times worse condition than before, and therefore the Judge turn'd off, and went round about to Armagh by another road; and that when at the assizes, he made a rule for laying a fine on the County, and that fine had been estreated in the Exchequer.

The friends of Mr. Justice, urged, that having seen the condition of the road a year before, and being informed that it had not been yet any wise repaired, he had sufficient grounds to levy a fine.

On the other hand it was asserted (particularly by Mr. Prime Serjeant) that it was an arbitrary and illegal fine; for it was not founded upon either *view* or *legal information*, since the Judge had not seen the road that year, nor had legal evidence of its present condition; for surely a private conversation between him and his clerk was not *evidence upon oath*, without which no fine can be legally levied.

Altho' Mr. Justice had been informed of this sitting of the committee, he neither appeared himself, nor any person for him; therefore when some of his friends said it would be cruel to proceed in any censure of him unheard; moved, and that the further consideration of this affair might be postponed till next Friday) Mr. Flood moved "that the clerk of the committee should acquaint Mr. Justice Robinson, that on Friday next, this case would be again under consideration, and the committee would receive any evidence that he might offer in proof that he had view, or legal evidence to go upon. Adding, that if he then failed to attend, either in person, or any one else, his silence might be taken as admitting that he had no legal evidence. This was agreed to, and the Chairman left the chair.

Previous to the closing of the debate, Mr. Speaker recommended to the members, to turn in their minds against next Friday, a frequent procedure of the judges, in fining members of that house for not serving on juries, when the house was actually sitting, and their duty to their country required their

presence therein; under pretence that no legal evidence had been offered of their being members.

Wednesday, Feb. 26.

A committee of the whole house (Mr. French in the chair) sat and made some progress on the heads of a bill for regulating elections of members of parliament, and are to sit again to morrow.

When the Speaker had taken the chair, the order for the house to resolve itself into a committee of the whole house to take into consideration the state of the nation, was read and discharged, and the committee is to sit next week. Some petitions to be included in the Insolvent act were read, and then the house adjourned.

Thursday, Feb. 27.

The committee of the whole house on the election bill sat again, made a farther progress, and are to sit again to morrow.

Several new petitions were received from persons praying to be included in the Insolvent act and then the house adjourned.

An Act for the better regulating the future Marriages of the Royal Family.

Most Gracious Sovereign;

WHEREAS your Majesty, from your paternal affection to your own family, and from your royal concern for the future wellfare of your people, and the honour and dignity of your crown, was graciously pleased to recommend to your parliament, to take into their serious consideration, whether it might not be wise and expedient to supply the defect of the laws now in being, and by some new provisions, more effectually to guard the descendants of his late Majesty King George the Second (other than the issue of Princesses who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your Majesty, your heirs or successors, first had and obtained:

We have taken this weighty matter into our serious consideration, and being sensible that marriages in the Royal Family are of the highest importance to the state, and that therefore the Kings of this realm have ever been intrusted with the care and approbation therefore; and being thoroughly convinced of the wisdom and expediency of what your Majesty has thought fit to recommend upon this occasion.

We,

We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in this present parliament assembled, do humbly beseech your Majesty that it may be enacted; and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no descendant of the body of his late Majesty King George the Second, being the grand children and presumptive heirs of the reigning King, male or female (other than the issue of Princesses who have married, or may hereafter marry, into foreign families) shall be capable of contracting matrimony, without previous consent of his Majesty, his heirs or successors, signified under his or their sign manual, and declared in council (which consent, the better to preserve the memory thereof, is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the privy council) and that every marriage, or matrimonial contract, of any such descendant, without such consent first had and obtained, shall be null and void, to all intents and purposes whatsoever.

Provided always, and be it enacted by the authority aforesaid, that in case any such descendant of the body of his late Majesty King George the Second, being above the age of twenty-five years, shall persist in his, or her resolution, to contract a marriage, disapproved of, or dissented from, by the King, his heirs or successors, that then such descendant, upon giving notice to the King's Privy Council, which notice is hereby directed to be entered in the books thereof, may, at any time, from the expiration of twelve calendar months after such notice given to the Privy Council aforesaid, contract such marriage; and his or her marriage, with the person before proposed and rejected, may be duly solemnized, and shall be good, without the previous consent of his Majesty, his heirs or successors, as if this act had never been made, unless both Houses of Parliament shall, before the expiration of twelve months, expressly declare their disapprobation of such intended marriage.

And be it further enacted by the authority aforesaid, that every person who shall knowingly, or willfully, presume to solemnize, or to assist, or be present, at the celebration of any marriage with any such descendant, or at his, or her, making any matrimonial contract, without such consent as aforesaid, first had and obtained, except in the cases abovementioned; shall be duly convicted thereof, incur and suffer the

the pains and penalties ordained and provided by the ſtatute of proviſions and præmunire, made in the ſixteenth year of the reign of Richard the ſecond.

Die Martis, 3° *Martij* 1772.

The order of the day being read for the third reading of the bill intitled an act for the better regulating the future marriages of the royal family, and for the lords to be ſummoned,

The ſaid bill was accordingly read the third time.

Propoſed that the ſaid bill do paſs, which being objected to after long debate,

The queſtion was put, whether this bill ſhall paſs.

It was reſolved in the affirmative.

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Diſſentient,

1ſt. Becauſe we think the declaratory principle in the preamble of the bill, to be without foundation in law, (in the extent there ſtated) to be unneceſſary for the avowed purpoſes of the bill, and likely to be attended with very dangerous conſequences, as that preamble does aſſert, "that we are ſenſible "that marriages in the royal family are of the higheſt *importance* "to the ſtate, and that *therefore* the kings of this realm have "ever been entruſted with the care and approbation thereof."

The maxim here laid down, "that becauſe marriages of the royal family are of the higheſt *importance* to the ſtate, they are *therefore* entruſted to the kings of this realm, "is founded on a doctrine abſurd and unconſtitutional; but which hereafter will have the force of a parliamentary declaration of law, the immediate tendency of which is to create as many prerogatives in the crown, as there are matters of importance in the ſtate, and indeed to extend them in a manner as vague and exceptionable as had ever been done in the worſt and moſt deſpotic periods in the hiſtory of this nation; and we apprehend that ſome future, and even more dangerous uſe may be made of this preamble, as it is much more extenſive than is neceſſary for any purpoſe avowed in the bill.

2dly, Becauſe this declaratory preamble ſeems to juſtify the words which his majeſty has been adviſed, (we think very improperly) to uſe in his meſſage to his parliament, whereby a prerogative is aſſumed in an *extent* for which nine of his judges, in their unanimous opinion, delivered to this houſe, do not find any authority.

3dly, Becauſe the term *Royal Family* being *general*, and not qualified

qualified by the exception of "the iſſue of princeſſes married into foreign families," ſeems to carry (very idly as we apprehend) the royal prerogative beyond the juriſdiction of the crown of Great Britain; can therefore as applied in the preamble, be warranted by no law, and is indeed contrary to common ſenſe,

4thly, Becauſe, if this parliamentary *declaration* of law can operate in any degree, as a retroſpect, (an operation againſt which we have no ſecurity by any thing contained in the bill), it is pernicious and unjuſt; if it can have no ſuch retroſpect, (as was aſſerted in argument by the friends of the bill), it is then at beſt frivolous and unneceſſary.

5thly, Becauſe the enacting part of the bill has an inconvenient and impolitic extent, namely to *to all deſcendants of George the ſecond.* In courſe of time that deſcription may become very general, and comprehend a great number of people, and we conceive it would be an intolerable grievance, that the marriages of ſo many ſubjects, perhaps diſperſed among the various ranks of civil life, ſhould be ſubject to the reſtrictions of this act; eſpecially as it has been aſſerted in argument, and endeavoured to be maintained by the authority of the grand opinion given by the judges in the year 1717, that the care and approbation of the marriage includes the education and cuſtody of the perſon. We fear that this extenſive power would come in time to make many of the firſt families in the kingdom totally dependant on the crown, and we therefore lament that the endeavours ſo earneſtly uſed in the committee, in ſome degree to limit the generality of that deſcription, were not ſuffered to take effect.

6thly, Becauſe as the line is too large, with regard to the deſcription of the royal family, ſo we think that the time of nonage for that family is alſo improperly extended.

We conceive that the age of twenty-one years is that limit, which the laws of this country, and the ſpirit of the conſtitution have with great wiſdom given to minority. It ſeems indecent to the royal family to ſuppoſe they will not be arrived at the age of diſcretion as ſoon as the loweſt ſubject of the realm; and cannot conceive but they may be as capable of chuſing a wife at the age of twenty-one, as of being entruſted with the regency of the kingdom, of which by law they are at that age capable. We alſo conceive that the deferring their age of majority as to marriage till twenty-ſix, is impolitic and dangerous, as it may tend to drive them into a diſorderly courſe of life, which ought the more to be guarded againſt in men of high rank, as the influence of their example is the moſt forcible and extenſive.

7thly, Becauſe the power given by this bill, to a prince to marry

marry after the age of twenty-six, having first entered in the books of the privy council his intention so to do, for twelve calendar months, is totally defeated by the subsequent proviso, "Unless both houses of parliament shall, before the expiration "of the said twelve months, expresly declare their disaproba-"tion of such intended marriage."

We think this proviso lays great difficulties on future parliaments, as their silence in such a case, must express a condemnation of the King's refusal, and this concurrence with such refusal may prove a perpetual prohibition from marriage, to the person concerned.

We conceive the right of conferring a discretionary power of prohibiting all marriages (whether vested in the crown alone, as intended by the message, or in the manner now enacted by the bill) to be above the reach of any legislature, as contrary to the original inherent rights of human nature, which as they are not derived from, or held under civil laws, by no civil laws whatsoever can be taken away. We freely allow that the legislature has a power of prescribing rules to marriage, as well as to every other species of contract, but there is an essential and eternal difference, between regulating the mode in which a right may be enjoyed, and establishing a principle which may tend entirely to annihilate that right. To disable a man during his whole life, from contracting marriage, or what is tantamount, to make his power of contracting such marriage, dependant neither on his own choice, nor upon any fixed rule of law, but on the arbitary will of any man, or set of men, is exceeding the power permitted by the divine providence to human legislators: It is directly against the earliest command, given by God to mankind, contrary to the right of domestic society and comfort, and to the desire of lawful posterity, the first and best of the instincts planted in us by the author of our nature, and utterly incompatible with all religion, natural and revealed, and therefore a mere act of power, having neither the nature nor obligation of law.

8thly, Because we conceive this bill to be pregnant, with civil discord and confusion; it has a natural tendency to produce a disputed title to the crown. If those who may be effected by it, are in power, they will easily procure a repeal of this act, and the confirmation of a marriage made contrary to it; and if they are not, it will at least be the source of the most dangerous party, that can exist in any country, a party attached to a pretender to the crown, whose claim he may assert, has been set aside by no other authority than that of an act, to which the legislature was not competent, as being contrary to the common rights of mankind. Such a claim, supported as it may be, by peculiar hardship in the case, must as we conceive,

at no very remote period, create great mischief and confusion.

Lastly, Because this bill, which resorts to such harsh and unusual methods, at the same time provides for its own purpose very uncertainly and imperfectly, for it secures no remedy against the improper marriages of princesses, married into foreign families, and those of their issue, which may full as materially affect the interest of this nation, as the marriages of princesses residing in the dominions of Great Britain. It provides no remedy at any age, against the improvident marriage of the king reigning, the marriage, of all others, the most important to the public. It provides nothing against the indiscreet marriage of a prince of the blood, being regent at the age of twenty-one, nor furnishes any remedy against his permitting such marriages to others of the royal blood, the regal power fully vesting in him as to this purpose, and without the assistance of his council; we cannot therefore, on the whole, avoid expressing our strong disapprobation of an act, shaking so many of the foundations of law, religion, and public security, for ends wholly disproportioned to such extraordinary efforts, and in favour of regulations, so ill calculated to answer the purposes for which it was pretended they are made: And we make this protest, that it may stand recorded to that posterity, which may suffer from the mischievous consequences of this act, that we have no part in the confusions and calamities brought upon them, by rendering uncertain the succession of the crown.

RICHMOND	DORSET
ABERGAVENNY	TORRINGTON
PORTLAND	MILTON
ABINGDON	DEVONSHIRE
ROCKINGHAM	ALBEMARLE
FITZWILLIAM	CRAVEN
STAMFORD	JOHN BANGOR.

Dissentient,

Because the liberty of marriage is a natural right inherent in mankind.

Because this right is confirmed and inforced by the holy scriptures, which declare marriage to be of divine institution, and deny to none the benefit of that institution.

Because the law of nature and divine institutions are not reversible by the power of human legislatures.

Because there is a total difference between regulating the mode of exercising the right derived from the law of

nature, and assuming or granting a discretionary power of taking it quite away.

Because though we think it expedient and agreeable to the dictates of reason, that minors should not marry without the consent of their parents or guardians, and that such consent should be necessary to render their marriage good and valid, as it likewise is in the exercise of all their other rights during the term of their nonage, it can no more be inferred from thence that we acknowledge a right to continue such restraint throughout their whole lives, then we acknowledge a right to keep men or women in a state of endless nonage which, unless in the case of idiots or incurable lunatics would be absurd, unjust and a manifest violation of the law of nature.

Because, if a perpetual restraint upon marriage, or power given to restrain it, without limitation of time or age, be contrary to the natural divine laws, (as we apprehend it to be) a law authorising such restraint, on conferring such a power must be null and void in itself.

Because, in any case where the right of succeeding to the crown of these realms may come to depend on the force or invalidity of the power given by this Bill, an appeal made against it would probably bring upon the Royal Family and the nation all the miseries and horrors of civil war.

Because though the placing such a power in the King, with the interposition of both Houses of Parliament, is a better security against the abuse of it, than if it had been entrusted to the King alone, yet it may be so used, in corrupt or violent times, as to be made, in some cases, a perpetual negative on the freedom of marriage.

Because, if the power be grevious, and contrary to the inherent rights of mankind, the grievance is increased by the infinite number of persons over whom, in the course of time it is likely to extend.

Because we are convinced, that all the good purposes and objects of the Bill, which we have greatly at heart, might have been answered without giving that perpetuity of restraint over the freedom of marriage, which we think ourselves bound in conscience to oppose.

TEMPLE LYTTLETON
RADNOR ABINGDON
CLIFTON, CRAVEN

And, Because the Bill is essentially wanting to its avowed purpose, in having provided no guard against the greater evil, the improper marriages of the Princes on the throne.

RADNOR.

To

To LORD NORTH.

My Lord,

I HAVE waited with a degree of impatience natural to a man, who wishes well to his country, for your lordship's ministerial interposition in behalf of an injured princess of England, the Queen Consort of Denmark.

As I have some opportunity of being acquainted with the disposition of Lord North, it is, I candidly confess, with regret that I resume the task of censuring a man, who has, at least, this negative virtue, that he wants the will to do a signal mischief to the state. I desire, however, to be well understood: I intend no compliment to your Lordship's heart; I am yet to learn that it merits any. If, therefore, our prime minister is not anxiously busied in adopting measures, and pursuing schemes to plunge this country into irretrievable ruin, we may thank the dastardly pusilanimity of his nature; we may rejoice at this weakness, as by that alone our safety is insured; and we ought to exult in the superintending care of providence which hath dealt out its gifts to Lord North with so sparing an hand, that he does not possess a single talent necessary to render him a formidable adversary to public virtue.

There is, however, a certain dignity in office, which ever will have weight with the vulgar: your brother, the bishop, my Lord, sees this truth daily verified within the precincts of his own diocese; and it cannot be construed into an ill-natured reflection to say, that there are few families in Great Britain more indebted for consequence to the drapery of externals, than the present issue of the Right Hon. Lord Guildford.

The late revolution in Denmark, my Lord, will produce, in all human probability, an entire alteration in the whole system of Europe. Your neutrality during that dark, and, as you have managed matters, mysterious transaction, is culpable in the extreme: I want words wherewith to delineate the absurdity of your conduct; the occasion calls for a species of envenomed satire mortals may conceive, but which, to Lord North's unspeakable comfort, they can never attain.

The situation of the kingdom of Denmark is such, that its very existence depends upon cultivating a lasting and firm friendship with the maritime powers of Europe. Besides the ties of interest and of treaties, there are *other* political motives which ever would incline Great Britain to support, protect, and defend the Danes, against any combinations which might be entered into for their destruction. But at the same time that we should snatch an handful of people from impending ruin, tho' we might *condescend* to interpose in their behalf, if their situation

ation called aloud for pity and compassion, is this, in the name of goodness and common sense, any thing *like a reason*, why we should tamely bear their ignominious insults, or suffer the disgrace they have cast upon the *English Nation*, to pass uncensured or unchastised? I say the *English Nation*; because, as for our ministers, the term *disgrace*, when applied to them, loses altogether its poignancy, and the most superlative contempt becomes the highest compliment you can possibly pay to their *dastardly Measures*.

An insignificant northern potentate, is honoured by a matrimonial alliance with the king of England's sister. A confused rumour prevails, that she has been false to his bed; the tale spreads, a particular man is pointed out as the object of her licentious affections: our hopeful ministry are, however *quite silent*; dispaches indeed are sent off to Copenhagen, but the *contents* of those dispatches are so profound a secret, that with me it almost amounts to a question, whether you yourself know any thing of the matter; the *D. of Cumberland can* keep a secret; Lord Mansfield therefore has entrusted him with *a most precious one*; you, my *worthy* Premier, have a strong propensity to *loquacity*, on which account it might be prudent therefore, in the court, not to place too great a confidence in a man, who loves speaking so much, that he will talk *nonsense for hours*, rather than be silent even on a subject which he does not understand: for a different reason, *Lord Sandwich*, perhaps can develope the ministerial proceedings with regard to Denmark; *he* is a man of *tried veracity*, his lips are sealed, and he seldom opens his mouth to any purpose, unless when he is about to betray the cause of some person weak enough to be his friend.

As I am not *one of the cabal*, I pretend not to dive into the motives for this cautious secresy: I dare be answerable they are of the extraordinary kind; but that considered in a political light, your Lordship's whole procedure with regard to Denmark is absurd, and with respect to the public, highly criminal. —This is a proposition to which every independant man of sense, throughout the kingdom, must readily assent. In private life the honour of a sister is deemed an affair of infinite consequence to a brother. A man of sentiment is anxious to convince his friends and neighbours, that the breath of slander hath traduced her virtue, and he seizes with avidity every alleviating circumstance that can contribute to extenuate her offence, or demonstrate her innocence, beyond the possibility of cavil.

Is our pious monarch cast in a different mould from one of his people? or is he taught to believe that the opinion of his subjects has no manner of relation to his own felicity? are you, my lord, quite void of feeling? have you no warm blood that

flows

flows around your heart, that gives your frame a thrilling soft sensation, and makes your bosom glow with affections, ornamental to man as a social creature? for shame, my Lord, however wrong you act, you must know better; you must be conscious that the people have a right to be informed of every transaction which concerns the welfare of the state: They are part of a mighty empire, which flourishes only as their happiness is promoted; they have a kind of claim in every person belonging to the royal lineage; how can they peaceably remain neuter, and see their princess imprisoned by a banditti of northern Vandals? with what crime is she charged? what are the proofs of her guilt? a revolution brought about by the artifices of an intriguing woman, is no new thing in Denmark, the very superstruction of the Danish monarchy is raised upon such a foundation. Margaret, in right of her son Olaus VI. assumed the reins of government in that kindom; but not content with her just portion of power, she formed a scheme to depose Albert the lawful king of Sweden: succeeding in her stratagem, she condemned him to perpetual imprisonment, and thus obtained the sovereignty of Sweden also.

There is a barbarous ferocity which still clings to the inhabitants of the North, and renders their government subject to perpetual convulsions; but the Danes, I fancy, will be found the only people in our times who have dared to proceed to extremities, that alarm all Europe, nay, dared to imprison an English princess, without giving even the shadow of a public reason for their conduct.

The Empress of Russia, on a somewhat similar occasion, was politeness itself; when she condescended to dispatch her husband, she caused a manifesto to be published, wherein she justified her conduct to God, her conscience, and the world. The present Machiavelian Dowager Julia may send the young Queen's soul to heaven in a night, and through the shameful remissness of you, Lord North, the Prime Minister of this unhappy country, the public may remain ignorant of every circumstance relative to the murder. Be not however deceived; the blood of our sovereign's sister shall not be suffered to cry in vain for vengeance, it shall be heard, it shall be revenged, and what is still more, it shall besprinkle Lord North, and thus affix a stigma upon his forehead, which shall make him wander like another Cain, accursed through the world.

Is it thus a Cecil, thus a Burleigh, thus a Walsingham would have acted in the days of the Protectorate? Would Cromwell have permitted such an indignity to have passed unnoticed? That illustrious character would have dispatched a Blake with all imaginable speed to scour the seas, and chastise the insolence

of

of those northern uncivilized free-booters, had they presumed even to imprison a common English subject, much less an English princess; and as an hostage for her liberty and her life, he would have confined the Danish Ambassador until an express had arrived, proclaiming her release.

With the generality of persons example has a most powerful effect. You, Lord North, soar above the common herd; neither precept nor example can touch your soul, or work a reformation in your conduct; you are proof against conviction, and when public or private virtue is in question, you have nothing of humanity about you. Contrasts, however, like pictures well disposed, form that agreeable diversity of light and shade which conveys pleasure and instruction to the most indifferent spectator. When therefore I mention Lord Chatham's name, there is no necessity for a comment to elucidate my meaning; his bold, his penetrating, his powerful genius, rescued this nation from despair and ruin, when an epidemic languor seized our frame, he, like some demi-god, revived our drooping spirits; you, my Lord, have again plunged us into all the gloomy horrors of despondency. He—but I desist; when the crawling emmet, or the groveling worm, shall claim a superiority over mankind, then, and not untill then, will I confess that there is the faintest similitude between the Earl of Chatham and the man commonly called Lord North.

I anticipate the jargon of your party, I know the steps taken, and the artifices practised to depreciate a man in the estimation of the world, the force of whose abilities astonished, and kept for a series of years, all Europe in subjection. Continental connections, millions expended, and English blood spilt in Germany; these are stale, these are hackneyed to pieces; I grant, indeed, there is vessality in the man.—I grant, indeed, he has his flights, but they are so many daring excellencies; he is not merely a meteor in the political sky, he is a constellation of a superior order, which sheds its benign influence on this our lower world, infuses a genial vivifying heat into our atmosphere, and this contributes to exhilerate our species, and enhance the felicity of human nature.

These praises are not calculated to obtain applauses from the giddy multitude; they are not bestowed, because they may happen to fall within the current of the times; they are not designed to render you, my Lord, less beloved or more detested, than at present, since that is a task beyond any pen to accomplish, but they flow with an honest-hearted sincerity from my inmost soul, and was it possible to conceive, that this paper should outlive the other trifles of thy day, it would be my ut-

most

most ambition to have it considered as a monumental tribute to gratitude, justly due to the truly illustrious Earl of Chatham, for the many distinguished, signal and important services he hath performed for this my native country.

Reflections occasioned by the Perusal of Doctor Nowell's *Sermon, preach'd before the House of Commons the 30th of January last.*

WHEN the leaders of the church, and the favourite preachers of the court begin to hold forth the antiquated doctrines of non-resistance and passive obedience, it is time for this nation to take the alarm. Did they not think that the kingdom of slavery was at hand, and that our necks were ready for the yoke of dispotism, they would never have ventured publicly to espouse tenets, which have been at all times such stumbling-blocks to the sons of liberty. Cambridge, that chaste matron, who received into her bosom the virtuous Grafton, set the example. Dr. Gordon preached before her a sermon, in which he spoke with the utmost tenderness of the divine right of kings, to act as seemeth good in their own eyes; accordingly the loyal university did not suffer such a valuable light to be hid under a bushel, but ordered the publication of this precious morsel of eloquence. Oxford, ashamed to be outdone by a younger sister, and to be robbed of her ancient glory, in propagating the principles of slavery, found Dr. Nowell a willing champion in her cause. Imagining that the hearts of men were turned, and become at last sensible of the indefeasible right of princes, he ventured to tell the representatives of the people from the pulpit, that "the people are not placed in their several stations by any compact or agreement of their own framing, that all authority, dominion and power, are derived from God to those (that is to kings) whom he has delegated to be his ministers and representatives on earth." For these sentiments, and for this language, he received the thanks of the House of Commons, at the instigation of Sir Fletcher Norton, and the majority of the house. True it is, that the vote was afterwards erased with reluctance; had the friends of liberty been silent, the ministry and the majority would have been glad to have by stealth their sanction to this doctrine; its convenience, and indeed absolute necessity to their cause, at this juncture, is obvious. Being in diametrical opposition to their constituents, they know that the permanence of that authority, at which they aim, depends upon a general belief, that religion requires an unreserved submission to the powers that *are*. Hence the story of Korah, Dathan and Abiram, was listened to with *erect* ears. They could not help being pleased, in hearing George the Third

Third compared to Moses, and the murmuring people to the company that testified their dissatisfaction with that prophet's conduct. But let us regularly attend the Dr. in his arguments. He tells us, first, that, however much the history of the Jews might tempt us to consider them as a stiff necked people, and perverse generation, they were in fact no worse than other nations. Britain in particular has no reason to boast a superiority. Do you desire a proof? The death of the *blessed martyr* was no less atrocious a crime, than the rebellion of Korah and of his 250 men of renown. It is to be hoped, for the honour of Moses, that his cause was less exceptionable than that of Charles. But this as it will, the Dr. seems to be sorry, that the earth did not open upon our forefathers for their impiety, in rising up against *the Lord's anointed*, and asserting the rights of men; and, had he lived at that time, and possessed the power, I suppose his zeal would have prompted him to copy the example of the good Samuel, and to have hewed them in pieces with his cleaver on the altar of the Lord. No bishop, no king, was the adage of the weak and pusillanimous James; and the converse of the proposition, no king, no bishop, is the creed of Dr. Nowell and the hierarchy. The more power is lodged in the hands of the sovereign, the more power will he be able to delegate to his sacred band, to his sacerdotal troops. Hence our disinterested Dr. finds laws insufficient to keep that monster, that beast of many heads, the people, in awe: religious fears and terrors must be called in to their aid, and they must be taught to consider the supreme magistrate as God's vicegerent, or vicar general on earth. In vain do you abolish the authority of the Pope of Rome in this island; your true churchmen will still adhere to their antient superstition, and set up a new and more dangerous Pope of our own growth. They will still be idolaters, and feed the fame of the offerings brought to his altar call for a visible deity, for a molten calf, at whose shrine they may grow fat and sleek. The clergy and the tories are intimately connected in principles and practice; both thrive by the abasement of the inferior orders of the people; hence their favour is as eagerly sought by established families, as that of the whigs, friends of liberty, is by those newly raised to the throne. The Brunswick line saw and felt that the favourites of the people were at first their only support, but now they place all their dependence upon their oppressors, upon the direct abettors of slavery. How else is it, that we see his present Majesty compared to the *holy martyr*, to the wretched monarch who suffered and deserved the block? Some people, I own, deem him a real saint; and consider the comparison as a serious affront to the memory of Charles. Nor is this surprising; Charles did

not, like his present Majesty, make a maxim of pardoning the worst of murderers, he did not extend his mercy to Macquirks and Kennedy's, and other ruffians, who made a trade of butchering those who were the champions of the constitution and free election; yet, notwithstanding this disparity, there is certainly a resemblance between his present Majesty and the martyr, *but to the misfortune of this nation, not in the most essential point.*

Charles quarrelled with his parliament, because they would not concur with him in oppressing the people. George is upon the best terms with his parliament, because it is payed, because it takes from the people the fundamental right of election, and without any enquiry makes up the deficiencies of the civil list, as an inexhaustible fund of corruption. Charles raised money and contracted debts by his own authority, and in diametrical opposition to parliament. George with the sanction of parliament squanders away upon favourites, upon fosils, upon watches and buttons ten times more than would have made Charles the best of princes. Charles, it is true, was apt to play the hypocrite, and retract his word. George is an absolute heart of oak—always true to his promise. Witness the punctuality with which he adhered to his engagements with Lord Chatham. When that noble patriot proposed plans of publick utility, his Majesty was all attention and condescension. The scheme was to be adopted. No sooner was Chatham's back turned but new councils were adopted, and the immortal Pitt was thrown adrift upon the ocean of uncertainty. Hence his resignation; hence the secession of every honest man from the councils of his Majesty, who now has none about him but the refuse of the land, enemies to liberty, enemies to the people, enemies to human nature. It was therefore with justice that Dr. Nowell said that "the bright resemblance of those princely virtues, which adorned the Royal Martyr, now shine forth in the person of our gracious sovereign."

JUNIUS-NAUTICUS to Lord SANDWICH.

My Lord, *Portsmouth, March 9,*

AS I am afraid your Lordship may be troubled with a nausea, from the frequent potions of flattery which your puffers so copiously bestow upon your admirable management of the navy, permit me to administer an antidote to their poisons; and though the dose may possibly not be mixed up secundem artem, yet you won't be insensible (I believe) to the force of the medicine.

Your Lordship has most industriously caused it to be spread about, that through your unwearied attention, the navy is in a better condition than it has ever been since the

 peace

peace? If this is meant of the ships themselves, I don't know but they have been more thoroughly inspected lately in the several dock yards than for some time before; but your Lordship should not arrogate any very extraordinary merit to yourself from hence, since whoever was at the Admiralty, must have given the same directions to the navy-board on this account, which you have done, unless they would have hazarded an impeachment in parliament for a scandalous neglect of their trust; which I am inclined to think would be the case, was the nation again to find the men of war in a like bad state in which they were eighteen months ago.

This, my Lord, can however be remedied without much difficulty; a little money and a little labour makes our ships in a tolerable condition again; but the evil of which I accuse your Lordship is of a much more dreadful nature, it is no less then alienating the minds of both officers and seamen from his Majesty's service, and reducing the navy by your tyranny to a degree of imbecility, at the consequence of which I tremble; and I am sure your Lordship ought to do so on a double account.

My Lord, if my pen is guided by calumny and falsity, it will reflect dishonour on my head, not upon your Lordship's; but, if on the contrary, every syllable of what I advance can be proved facts, it will certainly pluck some feathers from those Icarian wings of your's, with which you are unjustly endeavouring to mount into the regions of praise.

Seamen when they enter into the King's service, do nothing more than simply enroll their names with the commanding officer of the ship in which they chuse to engage; every other particular they leave to the general usuage and customs of the navy, and have as firm a reliance on the public faith that their wages will be paid them when the ships they entered for are put out of commission, as that they shall not receive less than two and twenty shillings and sixpence a month.

False hopes! false expectations! you have dishonoured my Lord, the public faith, and break, by the tyranny of power, that compact between the nation and these her best servants, which has hitherto (but that is now at an end) made them enter into the service with readiness and chearfulness.

From the hour in which a seaman first belongs to a ship he looks forward for that happy time, when he shall with his liberty, enjoy the fruits of his poor labour; for this he

he patiently bears unwholesome climates, unwholesome winds, and infinite other hardships he anticipates the pleasure of enjoying the company of his wife and little family, whom he already sees, in his imagination, new cloathed, and happy in the return of their long lost husband and father.

But how dreadful a reverse do these poor men experience from your inhumanity! They find the pleasing scenes they had fondly hoped to see realized never likely to exist but in idea: they see the man of war they enter for paid off, and instead of receiving their liberty and wages, are forced (though in a time of profound peace) on board other ships; from which, though they may have a few days leave of absence granted, yet the means of enjoying it is with-held, as instead of receiving their three or four years pay (which is due to them) they get no more than six months, in the hope (as it would seem) that the disgust to the service, which this treatment necessarily occasions, will prevent their return to it; and consequently government is advantaged, by seizing upon their wretched arrears.

My Lord, I suppose you won't deny that almost all the ships which have come home from foreign stations of late have been served in this manner; whether this ill-judged expedient is struck out by yourself, or by the little consequential Secretary, you know best; however it is, your Lordship is the culpable person, for having adopted it.

The act of Parliament which endeavoured to guard against such abuses, as well as against the tyrannical use of power by the Admiralty, expressly says, that if the exigence of service require men to be turned over from one ship to another, they shall be paid all the wages due to them before such ships proceeds to sea, which they are turned over into.

How happily have you evaded this salutary clause, my Lord; your Lordship orders these poor wretches to be turned over on board guardships, which never go to sea at all: so that the time of receiving their pay rests solely with the Admiralty, and they remain slaves bandied about from ship to ship, perhaps as long as they live!

We will now turn our eyes, my Lord, towards the men in guard ships, whose treatment seems particularly designed to give them (likewise) an abhorrence and disgust to the King's service: There is nothing a seaman thinks a greater hardship then being continually sent to work on board ships he does not belong to, and for which he is neither paid, nor receives the least advantage whatever; reason must grant

 that

that there appears in this, just ground for discontent, since Carpenters, Sailmakers, or Caulkers, sent from one man of war to another, always receive additional pay for their labour; the poor seaman alone has nothing.

The manner in which the guard ships men have been lately harrassed, have caused them universally to avow their intention of running away, the first convenient opportunity. Your Lordship knows no more Seamen enter now for guard ships. You know, I suppose too that none but those in Commission are even halfmanned; in vain are they kept constantly on board, without ever setting foot on shore; this may put off for a little time longer, the total desertion they all meditate; but it will neither cure nor prevent it. British Seamen have in general taken the utmost dislike and hatred to the king's service, from your Lordships ill judged measures; and the whole nation will have cause to deplore it, whenever we have real occasion for our fleet.

But high as disgust to the Royal service reigns in the hearts of the private men, it has certainly as solid an empire in the breasts of their officers; They pine with discontent, and sicken for want of just encouragement; They are told that your Lordship has publicly said at the council board, that "to make them serve well, they must be kept poor," they believe that your Lordship said so, and they hate you for so ungenerous and so illiberal a maxim.——Whether you have ever said so or not, is immaterial since 'tis plain you adopt it; otherwise you would have exerted your endeavours, to have procured them a reasonable addition to their present scandalous pay, which, to the shame of the nation has remained invariably the same, for this last century nearly.

But as if this inattention to the interests of a set of gentlemen, over whom the King has been pleased to place you, was not sufficient, you must add insult to it; you have sent orders to each captain of a guard-ship, that no menial servant will be allowed on board, but a cook; so that these gentlemen are precluded from having either steward or footman, and the Lieutenants not so much as a cook; it ought hereafter to be esteemed an essential part of the education of an English sea officer, to know how to dress victuals and go to market.

Don't you blush, my Lord, for your narrowness of soul? I'm sure if you have a friend, he will for you at the recital.

And why, my good Lord, may I beg leave to ask, all this refinement? Will the service be benefited by this regulation? Would you oblige the sea officers to eat nothing, but the

ships

ship's provisions? And if you would graciously indulge them with a fowl or joint of mutton, must they go about themselves to procure it? And are not the sick people frequently benefited by the officers having it in their power to send them now and then a little fresh provisions to eat? And does not every menial servant on board, do their duty at the guns in the time of action, in the same manner with other private man? And if this is so, where is the injury to the service? And why should you make use of your power, merely because you have it, to oppress gentlemen who have deserved as well of their country, at least as your Lordship, whether collectively, or as individuals.

If you would really refine, my Lord, and mean seriously to correct abuses, there is a pretty ample field before you, where you may acquire some credit? it is, however, a field rather too extensive for me to survey at present; the only part of it which I shall at all point out to your Lordship, is the scandalous practice of making the post of purser a mere sinecure; several of your clerks in the Admiralty, and many other people who never saw salt water, nor ever will, now enjoy those comfortable places, which ought ever to be the reward of captains clerks that have been brought up to the profession, and whose right it becomes from service and good behaviour.

The frigates are employed upon the most contemptible and most frivolous services; if a recruiting party of marines want to go to Ireland, or a needy man of quality, and his family, to sponge and live gratis for some time, a man of war is most readily at their devotion whenever they chuse to ask for one.

When your Lordship condescends next to let the publick prints take notice of the obligation the nation is under for your attention to the Navy, let me request you will point out to them a further obligation not much observed; and this is procuring a standing army of sixty six hundred and sixty men in barracks, in the heart of the kingdom, under the name of marines. What your motives could be, to keep up so very large and useless a body of men in time of peace you know best: The Sea Officers, from a consciousness of there being three times the number of marines on board every ship than there is any occasion for are so impertinent as to say publickly; that "your Lordship does it to add a few thousand "pounds a year, to your income;" as the profits to the Admiralty arising from the marine clothing is at the lowest computation 20 shillings per man, per annum, will you then my Lord, inform the publick how the sum of 666

660 pounds is divided, and how large a share of it you take to yourself as first Lord? The consequence and rank which you have lately procured for that corps we all know was only done to have a plausible pretext for keeping on foot so great a number of these "very useful men."

And now, my Lord, I shall quit your Lordship for the present, in hopes that the composition I have dropped into your ear, may be of service; if it should not, I shall take the liberty of making up a more pungent medicine. It will not I confess, be composed of euphrasy and rue though. I venture to pronounce that it shall effectualy clear your visual nerve, and make you, whether you will or not, see plainly the necessity of doing your part towards redressing the grievances, and procuring some encouragement to the officers of his Majesty's navy I am my Lord,

Your Lordship's great Admirer,

JUNIUS NAUTICUS.

Proceedings in the House of Commons *on the* Royal Marriage Bill.

ON Wednesday, March 4, At half past two the bill for regulating the marriages of the Royal Family was brought from the House of Lords by the two judges, Lord Chief Baron Parker and Baron Smith. Lord Chief Baron Parker addressed himself to the Speaker, and said, the Lords had commanded them to bring to that Honourable House that Bill, the title of which he read and delivered in, and then they retired.

Mr. Seymour moved for the message to be taken into consideration first, as by the order of the day, and then Mr. Jenkinson got up and said, the compliment that was always paid to such a bill, was, that it should be read the first time immediatly. Mr. Seymour desired that the message might also be read, that the House might take that also into consideration; for as he was against the bill itself, he should oppose it in every stage; that the message was highly blameable, and the person who drew it up, he would not hesitate to say highly criminal; that it appeared to be drawn up by a person whose breast swelled with a prerogative doctrine; that it contained an assertion of facts contrary to law; he also understood that the matter had had a thorough discussion in another place; and that he should move for a committee to be appointed to inspect the Journals of the House of Lords; but being premature in his motions the Speaker put the question, that the bill be now read a first time; the Speaker then read the bill, and also informed the house what it enacted, Sir Joseph Mawbey moved. that the bill

bill be printed; but his motion being also out of order, some little debate happened about the propriety and order of the motion.

Mr. Seymour then renewed his motion for the committee. Mr. Dowdeswell seconded it; he observed that the prerogative doctrine in the message, that had been mentioned by his honorable friend, was certainly by its descent allied to the Star chamber, and could only derive its extraction from thence; he insisted upon it that the message contained assertions that were contrary to law, and had been declared so by men eminent in the law, as was now well known to every Member in the House individually, though not signified to it as a body; that they had not now the same opportunity of consulting these learned men, as they were most of them gone upon the circuit. He therefore seconded this motion that he might get all the assistance he could from the Journals of the Lords.

The second reading was moved, and carried for Monday March 9.

The motion for printing the bill took place then. Lord North said, that he could not do otherwise than oppose such a motion, as there was no reason given that could persuade him, that there was any necessity for printing it; the bill being so short and lying upon the table, every member might make himself master of the contents.

Mr. Thomas Pitt said, that every word in that bill, being of such momentuous importance to the community, ought to be as much weighed and considered as a whole clause in ordinary acts of parliament.

Sir William Meredith said that he had searched the history of this country from the earliest times, and could not yet find a single precedent to support such an assertion as was contained in that bill: he thanked the Noble Lord for giving him to understand that it was to be an alteration of the law, and the bill was not formed upon any one existing statute.

The House was divided by Lord North upon the motion for printing the bill, it was imagined, in order to see the strength of the Court party against next week.

For printing it	— —	106
Against it	— —	193

On Monday, March 9, the bill was read a second time. When the Speaker had read the order of the day, which was for the second reading of the said bill. Mr. Dowdeswell said,

Mr. Speaker,

Messages from the Sovereign to this House were till now deemed

deemed matters of a solemn and serious nature. They were thought to require a mature and deliberate discussion; and the minister, from whose advice they originated, took the utmost care to walk upon constitutional ground. But these times, it seems are past; and the terrors of this house are no longer for ministers. Regardless of the honour and dignity of the crown, they put into the mouth of the king the most crude and undigested ideas, the most exceptionable and obnoxious language. As if it was immaterial whether his Majesty should utter truth or falsehood, he has been induced to declare in his message that, "because marriages in the Royal Family are of the highest importance to the state, the kings of this country have ever been entrusted with the care and approbation thereof," a position, which I apprehend, is founded neither on law nor reason. Let us hear what the judges say upon this head. When consulted a few days ago by the Lords they declared that they did not find that the king's authority extended farther than his own children, and grand-children, and the presumptive heir to the crown. How then is that the message gives him unlimited power over every royal marriage? here there is evidently a mistake in point of law. Are there no lawyers then of the king's council? Or is their advice not taken, if taken, neglected? Embrace which side of the alternative you chuse, the disgrace falls not the lighter on the king's friends, or indeed upon the king himself. Want of consideration is no less blameable than want of knowlege. As far then as the authority of the sages of the law will go, the king's message is condemned, and there is no reason to suspect that they were not as favourable as the nature of the case would admit. The cautious and guarded expressions which they used leave us no toom to doubt of that point. Indeed the studied reserve, which is observable in their answers, makes it justly questionable whether they have not expounded the law too favourably for the ministry. For, upon what grounds have they given the king the disposal of his grand-children in marriage? Not surely upon the ground of statutes; for, till this hour English jurisprudence knows of no such restraint. The act, which regulated other marriages, expressly excepts the royal family; and it is well known the common law left men, till that period, to their natural freedom. Whence else did the marriage act spring? Had any provision been previously made, it could never have existed. Had the paternal authority exercised in Rome been rooted in our constitution, such a statute would have been absurd and ridiculous, because useless and unnecessary. Since then the principles of both of the common and statute law put their mark of reprobation on the doctrine alledged in the message, it will be incumbent on our judges and

their abettors, if they would expect our acquiescence, to prove that some particular privilege, or, if you will, prerogative was granted to our monarchs in this respect. But where is the constitution, or act, which distinguishes the Royal Family in this matter from an ordinary subject? I have consulted the grandest opinion, and I can find none. Our history gives very little sanction to the courtly doctrine held forth in that vaunted decision. Nor is it reasonable it should. When men come to the years of discretion, to the legal age of marriage, it is just and proper that they should be at their own disposal, and not subjected in a country which calls itself free, to the caprice of any man. Law, positive law, not the arbitrary will of an individual, should be the only restraint. Men, who are by law allowed at one and twenty to be fit for governing the realm, may well be supposed capable of chusing and governing a wife. One and twenty is the legal age of marriage for ordinary mortals. Why should a different rule hold with respect to the Royal Family? Do their understandings ripen more slowly, or are they later men? In the succession to the crown we have adopted a different rule. We suppose them at eighteen equal to the arduous task of swaying the scepter, and at one and twenty they may be regents. Why then establish such opposite and contradictory maxims? Is it the intention of the minister to prove by making us adopt the most absurd and contradictory doctrines that we are in his hands but as a potters vessel which he may fashion and mould as he pleases? I should be sorry to find this assembly treated with such contempt, and still more sorry to deserve it. For this and various other reasons I move that—

"That it does not appear that the proposition affirmed in his majesty's message to this house, viz. that the right of approving all marriages in the royal family, has ever belonged to the kings of this realm, is founded in law, or warranted by the opinion of the judges of England."

H. Seymour Esqr. seconded this motion.

Wellbore Ellis, Esq. moved the order of the day (i. e. the reading of the bill.)

H. Herbert seconded the motion.

The speakers then were,

For Mr. Dowdeswell's motion.	Against it.
1 Hon. T. Pitt, (extremely well)	2 Lord Clare
3 C. W. Cornwall	4 A. Wedderburne (the best on this side)
5 J. Dunning	6 T. Lockhart
8 W. Graves	7 R. Sutton
9 Charles Fox	10 Sir G. Elliot
11 E. Burke (extremely well)	12 E. Thurlow

 14 H. Her-

14 Hi. Herbert (tho' he seconded Mr. Ellis's motion)
15 Sir William Meredith, (very hoarse)
16 General Conway.
13 Lord North

The house divided upon the question of the order of the day: for it 268, against it 140.

Sir William Meredith then moved to adjourn, it being half an hour past two o'clock, and several of the members retired thro' fatigue; the house divided upon the question, 134 for it, and 266 against it.

Colonel Barre, *then addressed the speaker in the following terms.*

Mr. Speaker,

THE spirit of administration and the ductility of this assembly have for some years past been such that as even a ministerial member the other day said, I should not be surprised to see the majority of the house, if ordered by a certain noble personage whom I have in my eye, attempt to come hither upon their heads. Let but the cabinet adopt the most absurd, the most monstrous proposition, and it will be cordially received, and eagerly forwarded in St. Stephen's Chapel. The most deformed and ungainly brats of the minister are sure to be here nurtured and reared up to maturity; a circumstance which puts me in mind of the Indians, who, when they find a monster of a very extraordinary and uncommon appearance, immediately adopt him as their supreme God, as their *Jupiter optimus maximus.* The more absurd and detestable any of the premier's plans appear, the greater devotion his worshippers discover. The doctrine propagated by him in the affair of the Middlesex election was pregnant with ruin and disgrace. What was the consequence? The zeal of his adherents encreased in proportion; and they endeavoured to cover the uglines of the idol by the intenseness of their idolatry. Methinks the same symptoms are visible upon this occasion. What is wanted in argument gentlemen attempt to supply by vehemence. Hence, had I not other authentick intelligence, I could trace the origin of this bill, which is evidently a King's measure. Who then wonders that the whole kingdom is set in motion, and that members, who seldom honour these walls with their presence, are pressed into their service? I have no doubt but we shall soon feel the effects of such an extraordinary effort in the arrears of the civil list. The final decision of the Middlesex election was soon followed by a demand of more than half a million of money; and the reason why it was immediately granted without any previous enquiry into the manner, in which the debt was contracted, can

be

be as little problematical in this assembly as it is throughout the whole nation. I therefore congratulate the abettors of the bill upon the prospect of the fine harvest, which lies before them. The crown will certainly shew its gratitude for so great an accession of prerogative, what though this violent act tears away the brightest jewel in his Majesty's diadem, the affection of the people, and in its place substitutes fear and jealousy? Such a consideration is in these days no moment. *Oderint dum metuant* seems now to be the favourite maxim indulged by those whom the king delighteth to honour. Having sapped the foundations of the constitution, having in their own opinion imposed the yoke, and riveted the chains of the people, they would, in order to make every thing sure and solid, reduce every branch, every individual of the royal family to the same abject state of servitude. Observing that the divisions of the regal line frequently contributed in ancient times to the preservation of liberty, because the discontented princes threw themselves into the scale of the people, and thus formed a balance to the excessive weight of the crown; observing, I say, this circumstance, they will not even leave the semblance of liberty to these devoted victims, but render them totally dependent upon the caprice of a king; or rather of his minister. But is this plan in fact calculated for making the royal line entirely subservient and obsequious to the sovereign, and for producing that despotic calm, at which they aim? On the contrary it will prove the source of endless dissentions and quarrels as well among the royal family as among the people. Do you imagine that any man arrived at the age of maturity, much less a young spirited prince, will submit with patience to the loss of the rights of a man, to that power enjoyed by the meanest subject, to the right of disposing of himself in marriage, when he has arrived at the legal age of maturity, at the common years of discretion, which entitle all but idiots and lunaticks to chuse a help meet for them, as their own fancy directs. Is it the intention of the minister by this bill to make us insinuate that our royal family are but ideots or lunaticks? Though they have not sagacity to perceive it, this is the compliment which they pay to his majesty, when they suppose his family incapable of walking without leading strings till the age of twenty-five? Why do I say the age of twenty-five? The bill continues their state of minority for ever, and leaves them pupils and wards of his majesty and the parliament all their life. In order, however, to make amends, his majesty, let him be ever so young, ever so ignorant and inexperienced, is supposed to be at eighteen endowed with a good quality both of head and heart, being invested with to provide himself a proper comfort, and to act as go-

his former guardian, to the man who was perhaps regent of the realm, superintended his education, and provided him with swaddling cloaths. Sir, you need not smile; Princes, like other mortals, must be rocked in their cradles, and have their rattles and hobby horses. However much deified upon the throne they were once but boys. I wish they did not frequently continue so, and prove themselves not only less than men, but more mischievous than unlucky boys. Had this bill been calculated for confining their freaks and sallies within bounds, its object would be rational; because, as the influence of the crown is now so much extended, they are of all others most to be dreaded. You may give them what epithets you please; you may call them God's vicegerents and vicars-general upon earth. Names will not alter the nature of things. They will not prove less tyrannical and despotic. Nay, the higher you exalt them, the more they will trample upon their subjects. When this is the state of the case, why should I wonder that you have chosen this dark and midnight hour for so black and atrocious a deed; This is the murderous season of the night, and you have with propriety pitched upon it for giving a vital stab to liberty, and for effecting a purpose much more hellish than the gunpowder-treason. Kings, Lords, and Commons may soon be replaced, all blown up in the air; but a lost constitution who can restore? men are the offspring of a single generation; but a system of wise laws is the work of Ages.

Mr H. Herbert moved to adjourn: He was seconded by Mr. Stephen Fox, Esq; but this motion was withdrawn, upon an agreement, that the debate upon the principle of the bill, should come on this day (Wednesday) upon the motion for the speaker's leaving the chair.

The principles which the ministry maintained throughout the whole debate, and in which they were supported by their prostitute crown lawyers, were, that although this prerogative was undefined, both as to its power, and the objects of it, yet was absolutely vested in the crown by the constitution, and the common law of the land, from time immemorial to this day; and that an act done contrary to, or in defiance of it, though in the exercise of the common rights of the subject, was a contempt of this prerogative; a crime at common law, and was punishable by fine and imprisonment.

On Wednesday March 11, upon the order of the day being read, for the house of commons to resolve itself into a committee of the whole house, on the royal marriage bill, a long debate ensued.

The question was whether the speaker should leave the chair?

The

The following is a list of the gentlemen who spoke for and against the question, numbered in order than they rose.

No:	Ayes
1 Hon. Stephen Fox	2 Mr. Hart
4 Lord Bellasyse	3 Mr. Stanley
5 Captain Phipps	6 Mr. Cooper
7 Mr. Herbert	10 Mr. Onslow
8 Mr. Hampden	11 Lord Jn. Cavendish
9 Lord Folkstone	12 Mr. Sutton
13 Col. Barre	14 Mr. Jenkinson
15 Mr. Charles Fox	16 Lord G. Germaine
	17 Lord Advocate of Scotland
	18 Mr. Rushout
	19 Mr. Dowdeswell
	20 Mr. W. Burke
21 Mr. Cornwall	22 Lord North
	23 Mr. A. Powlett
24 Sir W. Meredith	25 Mr. T. Townshend
27 Sr W. Meredith, to reply	26 Mr. E. Burke,
	28 Mr. E. Burke, to reply

Upon the question, the Noes were 64, and the Ayes 300.

They adjourned till Friday.

On Friday came on, at half past three o' clock in a Committee of the whole House the further consideration of the Royal marriage Bill, Welbore Ellis, Esq; in the Chair when there were again five divisions: The first was upon an amendment proposed by Mr. Dowdeswell, to leave out in the second page, line 20 of the Bill, the following words: "persist in his or her resolution to contract a marriage disaproved of, or dissented from, by the King, his heirs, or successors, that then such descendant shall give notice to his Majesty's Privy Council;" *and insert*, intend to contract any marriage, such descendant shall give notice to his Majesty's Privy Conucil of his or her intention, together with the name and addition of the party with whom he or or she shall intend to marry as aforesaid,

Question put, that the words proposed to be left out shall stand as part of the motion; Ayes 103; Noes 48.

Second page, line 27, amendment was proposed to leave out "twelve," and insert 'one.'

The question was then put, that the word "twelve" stand part of the clause; Ayes 127; Noes 60.

Page the second, line 31, leave out, "and shall be good."

Page the second, line 32, after "succession" *insert* "and such marriage shall be good."

In

Mr. the second page, line 54 and the following.

An amendment was proposed to leave out "unless both Houses of Parliament shall before the expiration of the said twelve months expressly declare their disapprobation of the said intended marriage."

The question put, that these words stand part of the clause.

The Committee divided; Ayes 196; Noes 107.

The clause which is concluded in line 37 agreed to.

In line 40 leave out "shall," *and insert* "to"

An amendment proposed to leave out "or" in the fortieth line.

Question put, that this word stand part of the clause; Ayes 195; Noes 110.

An amendment proposed in the fortieth line after the second "or" insert "to."

Question put, that this amended clause stand part of the Bill.

The Committee divided, Ayes 179; Noes 112.

Mr. Ellis reported, that the Committee had gone thro' the Bill; the report to be received on Monday morning.

Adjourned till Monday.

Monday, at three o' clock, Welbore Ellis, Esq; reported to the House the amendments of the Committee to the Royal Marriage Bill, which were agreed to.

Rose Fuller, Esq; then made a motion to insert a clause, that the act should continue in force for and during the reign of his present Majesty, and for three years after his demise and no longer. But after a short debate, which lasted till past six o'clock the question was put, that this clause be made a part of the bill, when the House dividing there appeared Ayes 132, Noes 150; so that the clause was rejected by a majority of only 18. As soon as the above division was over, several minority came in, being locked out at the time of the division, which was the means of losing the clause. Col. Lutterel and his father divided with the minority.

The Speakers on this occasion were, Mr. Fuller, Mr. Curzon, Sir Henry Houghton, Mr. Mackworth, Mr. Ongly Mr. Burke, Mr. Dowdeswell, Col. Barre, Lord North the Attorney and Solicitor General, Mr. Dyson, and Mr. Cooper.

The House broke up on Monday night at nine o'clock having gone thro' the report

And on Tuesday in the House of Commons the bill for better regulating the marriages of the Royal Family was read

ead a third time, and it being proposed that the bill should pass, many gentlemen opposed the principle and particular clauses of the bill; Mr. Sawbridge in particular said it was "a bill to gratify the rancour of a monster, and the malice of a man". No gentleman in administration defended the bill but trusted to the book of Numbers. At five o'clock the House divided, when there appeared to be 168 for its passing 115 against it. Sir Joseph Mawbey moved to correct the title of the act, and to make it co-extensive with its contents by adding these words, "An Act for enlarging and extending the Prerogative of the Crown, and for the Encouragement of Adultery and Fornication, under the Pretence of regulating the Marriages of the Royal Family but this was objected to, and the latter words continue to form the title.

The Royal Marriage Bill as now passed our *Most Faithful* Commons, in the unlimited extent it was drawn by Lord Mansfield; so that every descendant of our now more than ever to be lamented sovereign George the second, is in vassalage and slavery; and the Kings of this limited monarchy are erected into family tyrants to trample upon the laws of nature and religion. One resource of comfort still remains,—the reflexion that the arbitary acts of a despotic Henry were all repealed by his beneficent son King Edward the Sixth.

The Royal Marriage Bill has been passed at the expence of two British Baronies, five Irish ditto, one advancement from ditto to an Irish Earldom, one Blue Ribbon, three Red ones, one baronetage, three reversionry patent places, twenty five thousand pounds in occasional gratituities besides innumerable promises of lottery tickets. In so very interesting and constitutional light in this Bill seen by our worth Representatives.

Debate in the House of Commons concerning Dr. Newell's sermon.

MR. Boyle Wallingham moved, That the thanks of the house which had been precipitately voted to Dr. Newell for his sermon preached on the 30th of January last, might on account of some offensive passages be expunged from their votes.

General Irwin seconded the motion.

Sir Roger Newdigate said, it was very extraordinary to make such a motion without repeating the passages which were exceptionable; he desired the gentleman would point them out, that the house might form a judgment.

Mr. Boyle Wallingham pulled the printed sermon out of his pocket; and, in his hurry not readily finding the passages he alluded

alluded to, turned over several leaves: some of the members, who sat near him, endeavoured to save time by pointing out to him the passages: this producing some conversation and joking.

Sir William Dolben rose to order: and addressing himself to the speaker, said — "Sir, it is very plain to me that the gentleman has neither heard nor read the sermon he has censured; since he is not able even with the assistance of those who sit near him to find out the passages which he has been told are exceptionable. Gentlemen should not condemn upon hearsay; much less should they venture upon such slight authority to make serious motions in the great assembly of the nation. But, Sir, I will save the gentleman the trouble of finding out the passages he is looking for; and as I was the person who moved the thanks for this sermon, I will inform the house how that happened. I moved the thanks of this house to Dr. Nowell for his sermon, at the desire of your speaker, who heard the sermon preached: my motion was seconded by Mr. Popham, who likewise heard it preached: both these gentlemen knew what they did, and are equally concerned with myself to defend and justify the thanks which have been given. For my own part I think that Dr. Nowell deserves for his sermon the thanks he has received; and I shall continue to think so till I hear better reasons urged against it than any which have been hitherto produced. The passages objected to by an honourble gentleman (Mr. Townsend) when this matter was last mentioned in the house, were the following *(here Sir W. D. read the passages which were objected to)*—Now, Sir, I insist upon it that these words do not bear the construction which has been put upon them: they are proper; and well warranted both by the history of the times spoken of, and by the service of the church appointed for the occasion. Sir, I must think that the complaint against this sermon proceeded from the honourable gentleman's spleen: for, Sir, the temper with which he threw the sermon three times on the table, declaring it ought to be burned by the common hangman, convinced me, that at that moment at least his bitterness and zeal made him as desirous to burn the preacher as his sermon.

Mr. Popham. "I acknowledge that I heard the sermon preached; and I expressed to Sir W. Dolben my disapprobation of it: but Sir William insisted that I must have been mistaken, and that the sermon contained none of those offensive expressions I had mentioned. As Sir W. was positive to thee very letter in the sermon, I supposed I had been mistaken; and yielding to his interpretation, and better memory, I consented to second his motion for thanks. But I have read the sermon since it has been printed, and find I have been misled by Sir

William

William Dolben; for I declare, I think it the most exceptionable sermon I have ever seen."

Mr. Speaker (Sir Fletcher Norton) "As I have been called upon, I hope the house will indulge me with a few words. It is true I heard the sermon, but I did not approve of it. I highly disapproved it, and I did not conceal my sentiments. I took care to mention the disgust it gave me, to a gentleman who I was sure would tell the preacher of it again. Having done so, concluding that the offensive passages would be expunged and not printed, I called upon Sir W. Dolben to know if he intended to move the thanks for the sermon as a customary compliment of course."

Mr. Townsend. "The honourable gentleman who made the motion of thanks, and has endeavoured to justify them by commending the offensive passages of the sermon in question, has very improperly attributed my complaint to spleen and warm of temper. It proceeded from a very different motive. From the most mature and cool consideration and enquiry in the causes of the civil wars and the history of Charles's time, I am of opinion that the persons who first took up arms against that prince were not only blameless, but praise worthy. Had it been my misfortune to have lived when a necessity like that called for it, I should not have hesitated to have taken arms likewise. But because I do not wish to see such days, I am for censuring the arbitrary doctrines contained in this sermon, being thoroughly persuaded that the encouragement of Mainwaring, Sibthorp and Montague, who preached then the same doctrines which Dr. Nowell has now revived, was more pernicious to Charles the first, than the efforts of all his personal enemies—if he had any."

Mr. Frederick Montague. "Sir, the reproach which has just been cast upon the name of Montague, is not the occasion of my rising at this time. I feel it impossibl that I should have the least relation to such a man; and if I had I should not attempt to defend his writings which I abhor. A different consideration has inclined me to speak on this occasion: the Clergy of this Country are in a very disagreeable situation when they are obliged to preach on the 30th of January. I remember when a Clergyman was refused the thanks of this House, because he preached in the opposite extreme to Dr. Nowell. And now we are going to expunge the thanks to this Gentleman for a reason directly contrary to that which caused the refusal to the other. What can the Clergy do? If they follow the service of the Church for that day, they must be condemned by reason, truth and justice; if they contradict the terms and spirit of the service

they will not find themselves without reproach and censure on that account. The consciences of the Clergy and the understanding of their congregations, and the rights of humanity ought to be releived from this insult. I therefore give notice, that with the leave of this House, I intend to bring in a bill to abolish that statute by which our Church service is apointed for the 30th of January."

Sir Roger Newdigate with extreme violence and heat justified both the Preacher and Charles the First. He read some extracts from a Sermon by Fleetwood; in which he preached the some doctrine as Dr Nowell; and yet Sir Roger observed that Fleetwood was not a Tory, but was persecuted afterwards by Queen Anne's Tory Administration. Sir Roger however acknowledged that he could not defend every act or particular part of the conduct of Charles; he said he must own he had one fault, which was complying too easily with the wishes of his people: and he instanced the execution of Strafford whose warrant Charles signed altho' he knew him innocent. Sir Roger said that no historian of any credit or abilities had ever attempted to defend the men who opposed Charles; one historian indeed had endeavoured to do it but no regard was paid to that History by any person, as the author was known to entertain notions and profess principles diametrically opposite to our Religion and Goverment. Sir Roger dwelt much on the princely virtues of the blessed Martys. he exalted his learning, piety &c. &c. and concluded by declaring that in his opinion Charles the First as a King and a Gentleman possessed virtues which were worthy of the imitation of any person in any age or Country. Sir. Roger moved then for the order of the day.

Lord Folkstone said, he had a personal knowledge of Dr. Nowell, and a great regard for him; that he could not suppose the doctor had any bad intention, nor indeed did it appear that his expressions went beyond those of the service which is appointed by law to be read on that day. His Lordship owned that the service of the day ought not to be the guide of any Englishman's doctrine; because the service was drawn up by Father Peters, the confessor of James the second.

Captain Phipps moved for the journals of the house to be read where Lenthall wes reprehended for saying in the house of commons, that they who first drew the sword in the late rebellion were as guilty as those who cut off the king's head.

This debate ended with reading the journal.

The question being put for the order of the day, the speaker *impartially* declared that the Ayes had it; but upon a division it appeared that the No's had it by 151 to 41.

Mr

Mr. Walsingham's motion to expunge the thanks was then renewed.

Mr. Sawbridge. " Sir, it will not be imagined that I rise to oppose the present motion, nor does it appear to want any support, the sense of the house being sufficiently declared by the division we have just seen, but I am called upon by some expressions that fell from one of the gentlemen in the last debate. He has passed his judgment very peremptorily upon historians, and their principles; and it is true that if toryism be the constitution of our church and state, those whom he has censured have deserved censure. If despotism be the just claim of an English king, the gentleman is very orthodox, and his saint is justly canonized. He has talked much of the virtues, the great amiable qualities of Charles the first, whom yet he has confessed to be a tyrant and a traitor: to which amiable virtues I add, that he was also a lyar. His injustice and treachery the gentleman has instanced by acknowledging that he sentenced to death his faithful servant whose zeal and innocence he never doubted. And it is notorious that this virtuous king would never have died upon a scaffold, if besides a whole reign of cruelty and oppression he had not likewise been found to be a lyar convict. Had not his letters been intercepted by which he declared (even at the time of his most solemn assurances) that he never meant to perform the promises he made to his people; had not these letters been intercepted, a transcendent act of edifying justice had miscarried, and Charles would never have been brought to the block. I am sorry sir, that the reverend preacher can find one advocate in this house to join with him in recommending the virtues of tyranny, treachery and falsehood to his present majesty for immitation. Sir the chief inducement to the preacher for wishing his Majesty to copy closely the blessed Martyr's example, is the only argument I know that can be urged against the present motion: The censure of the House of Commons upon Mainwaring, Dr. Nowell's Predecessor, for the same doctrine, produced to that preacher a Bishopric; the doctor hopes and I fear that our censure will have the same success."

Sir William Dolben rose only to say that, whatever others might have acknowledged, he (Sir W.) never had and never would confess that Charles the First was a Tyrant; on the contrary that he considered that Monarch as a perfect Pattern for Royalty. He added, that he hoped every little piece of misconduct or error of a ministry or even a King was not to be counted Tyranny.

The question was then put to expunge the thanks, and was carried without a division.

Immi-

Immediately after this resolution of the House of Commons, the curiosity of the Public to peruse so curious a performance, was greatly excited. The Sermon was in a day or two not to be bought any where, owing either to the great demand for it, or, as it has been strongly suspected, to the Doctor's having suppressed the further publication of it, and having by himself and agents bought up all that were in the Bookfellers shops, the latter conjecture is probable as the publishers on application to them, insinuated that the sermon was out of print, and they believed would not be reprinted. Thus, in all probability, would this precious morsel of Tory Eloquence have been but little known, had not a patriotic Member, caused it at his own expence to be reprinted, together with some critical remarks on it.—This publication may, now be had of any of the Bookfellers in Paternoster Row.

Debate *on Mr.* Sawbridge's Motion *in the House of Commons for leave to bring in a Bill to shorten the Duration of Parliament.*

MR. SAWBRIDGE.

MR. Speaker, The motion I am now going to make is precisely the same as that which I made in this House last year. My own want of health, and some other reasons, delayed it so late in the season last year, that I was constrained to make it then in a very thin House: to prevent a similar situation this year, I took the liberty to desire a call of the House: notwithstanding which call, I am concerned to see a question of such great national importance so poorly attended by the members. I can pretty well understand the meaning of this inattention: the ministerial gentlemen, who are liberally paid for opposing every measure that would be beneficial to the people, think it sufficient (because it will earn their wages) if they come here soon enough to give their votes against it. I will not, Sir, take up your time by apologies for my own inadequate abilities; let those who have greater, apologize that such task is left to me: however, I will lessen that objection, by stating what I have to say as concisely as possible.

"That legal, equal, and free system of government, which is either our constitution or its foundation, was first introduced into this kingdom by the Saxons. It was a leading principle with them, that wherever an officer, who was intrusted with power, could by the abuse of that power, prejudice the people, that officer was elective; and those elections were at least annual, if not more frequent. When the Heptarchy was reduced to a Monarchy under Alfred, all the Saxon laws and customs were recognized, and an act was made, that a parliament should be held twice a year at least,

In

n the time of Edgar the same statute was re-enacted; and this system was religiously adhered to till the Norman conquest. At that period a violent shock was given to our excellent constitution; that legal, equal, and free form of government, which had been enjoyed in this nation for five hundred years, gave place to a monarchical tyranny. The common law of England was in part abolished; and the civil law, which had prevailed in Normandy, introduced in a great measure in its stead.

From this time all was in a scene of confusion; perpetual civil wars between king and people; the kings endeavouring to establish an absolute power, and the people to restore their laws and liberty. In these contests the people almost always prevailed; in consequence of which the Kings as often engaged solemnly to restore the antient constitution; these solemn engagements they never, but as far as they were compelled, observed; at length the people, wearied out by royal treachery, and not chusing any longer to trust these kingly promises, compelled King John, whom they had in their power, to sign the Great Charter. In that charter it is stipulated, that parliaments shall be restored. And accordingly (King John dying immediately after this stipulation) a parliament was called under his successor; but no truly constitutional parliament was held till the reign of Edward the Third. In his reign, an act was passed that a parliament should be held once a year, or oftner if necessary. That king reigned fifty years, and we have an account of fifty-four Parliaments during that period; so that it does no appear that he himself kept strictly his own law of holding a Parliament once every year: however, of this we are sure, that no parliament continued longer than one year. We do not meet with any long parliaments till the reign of Henry VIII. that King, I believe even in these times, and even by this House of Commons, will be allowed to have been a tyrant. Having attempted many wicked measures which he could not carry to the utmost of his wishes with parliament, he determined to try what he could do without parliament; and for that reason, during some years of his reign, called no parliament. At length however, having more schemes against the constitution, to which he thought it adviseable to give the colour of law, he employed his ministers and creatures to attempt to get a parliament returned, which would be entirely subservient to his will. In this his success was equal to his most sanguine wishes; for to that parliament were returned a great number of King's friends. By means of those his

friends

friends, finding himself able to carry his worst purposes, he was in no hurry to part with such a parliament: he therefore continued them by prorogation seven years; till at length either ashamed of what they had done, or afraid of what they might suffer, did themselves petition to be dissolved. Such was the honourable example of the first septennial parliament, which was ready to approve and sanctify any bloody or detestable act of this flagitious tyrant. The next parliament, which sat for any considerable length of time, was the long parliament under Charles the First. Of their proceedings, the opinions of mankind are various; for my own part, I do not by any means intend to censure their conduct upon the whole, or to defend every one of their measures. The second long parliament was that under Charles the Second; which (before men had seen the present) was, by way of distinction, reproachfully called the pensioned parliament. It is notorious of this parliament, that when any scandalous Royal measure had been carried in that House of Commons, the members were invited to dinner, and found under their respective plates, the sums which each man's prostitution was proportionable thought to deserve.

"To remedy this evil of corruption, soon after the revolution a triennial bill was proposed. The measure frequently miscarried. It once passed both Houses, but King William refused his assent: however the patriots of those days were not easily discouraged; they were not dismayed by their defeats, but increased their ardor in proportion to the occasion for it; they persevered, and at length, in 1694, the triennial bill passed, and became a law. Against that law, however, some of the *worthies* of that age protested: and their protest was in the following words:—"We do dissent from this vote; because it tendeth to the continuance of the present parliament longer than, as we apprehend, is agreeable to the constitution of England."—Two years after the accession of the House of Hanover, the septennial bill passed. The best method of knowing the motives of those people who introduced and supported this measure, is to collect the arguments they used in its favour at the time the question was agitated: the only reason pretended, was, that there had been a rebellion the year before, and that they were apprehensive, if the parliament did not sit beyond its usual time, they should be frustrated in the great measure which they had at heart, namely the settling of the present family on the throne. I am in my own mind convinced that the reason given was their true

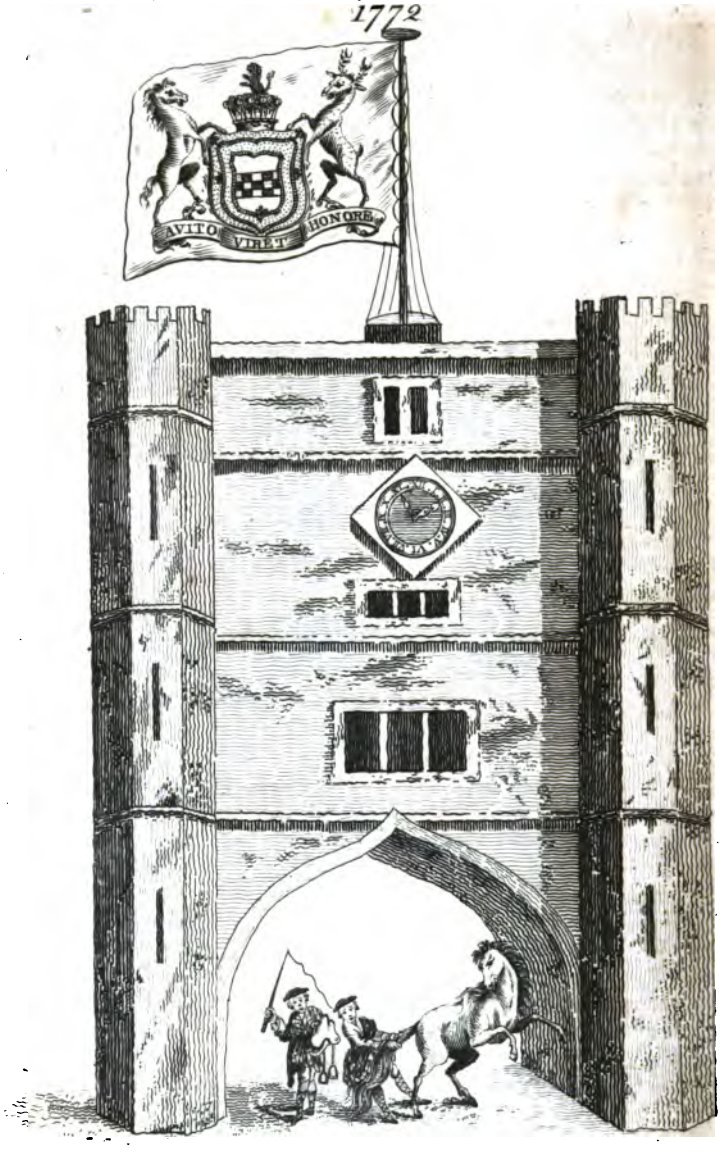
true reason: I have so high an opinion of those men that I cannot bring myself to think, that if they had foreseen the mischiefs consequent to that law, if they could have imagined the shameless corruption and prostitution which we see at this day, I cannot imagine they would ever have suffered, much less promoted the fatal Septennial Bill. From that moment to this hour a general system of corruption and venality has prevailed in this Assembly; and men elected into this House, no longer consider themselves as representatives of the people, but as persons who have purchased a beneficial lease; which they are by all, and by any means to turn most to their own advantage. That this, Sir, in our present situation is abundantly proved by the experience of every day, Sir, you have silently heard in that chair more than one Member of this House dare to assert, that their constituents have no right to instruct them, and that they do not think themselves under any obligation to obey the instruction of those who sent them hither.—Sir, if, any further argument was wanting to justify my motion for leave to bring in a bill to shorten the duration of parliament, his Majesty himself has most graciously been pleased to furnish the strongest in its favour: I mean the answer which he has been advised to give to the petition of *sixty thousand electors of* England, who have petitioned him for a dissolution of this Parliament; their petitions, Sir set forth, that this House of Commons has violated the right of Election; and that their constituents have no farther confidence in them, but disclaim both them and there proceedings. To all these petitions, except one, his Majesty has been silent, disdaining even to answer to his subjects: to one of them indeed he was constrained to reply, and therefore his answer to the City of London must be considered as the answer to them all. He tells them, mocking their dutiful expressions, that, "he should ill discharge the duty of a *father to his people* if he made so unconstitutional a use of his prerogative to dissolve his parliament at the request of the electors, who state that they are not their representatives, I shall take leave to tell you what his Majesty has been advised to think are constitutional and proper uses of his prerogative. It is a constitutional use, it seems, of his prerogative, to issue an illegal proclamation. It is a constitutional use of his prerogative, to grant a *noli prosequi* when a grand jury finds bills of indictment for breaches of the peace. It is a constitutional use of his prerogative to appoint to offices of great public trust, *Popish recusants* incapacitated by law. It is a constitutional use of his prerogative, to direct his

troops

troops wantonly to butcher his helpless unarmed subjects; to support, defend, and reward such as were most active in that butchery, and to return formal public thanks to them allfor their alacrity in destroying those by whose honest industry both he and they are fed. It is a constitutional and an honest use of his prerogative, to order for execution misguided poor men, who were convicted upon a surreptitious rider of an unreasonable penal statute; notwithstanding the whole court before whom they were tried, joined in representing to him that they did not believe the parties guilty, and recommended them as proper objects of his mercy. It is a constitutional use of his prerogative to pardon malefactors, convicted on the common law of England, of the most attrocious and aggravated murders; notwithstanding the Judges before whom they were tried, represented to him, that they were convicted by the clearest evidence, and were by no means proper objects of his royal mercy. It is a constitutional use of his prerogative to prorogue a Parliament in a sister kingdom, when regulations were to be made without which their manufactures could not be carried on, and when none of the private business for the advantage of the country was finished; merely because they acted as the real representatives of people, and would not lend themselves to support the pernicious measures of the crown. It is a constitutional use of his prerogative to dissolve the American assemblies (though not requested by the Electors) because they would insist on preserving the rights of their constituents, and would not become the creatures of the royal governors.——Such, and many more such, are the uses which his Majesty has been persuaded to make of his prerogative. Both the uses which he has made, and the uses which he has not made of his prerogative, added to the abuses of his parliament are incontestable reasons for my motion. This, Sir, is all I shall at present say upon the question: If any objection shall be made, or argument urged against it, I reserve myself to answer them as well as I am able. I will not therefore now take up more of your time, but conclude with a motion that leave be given to bring in a bill, to shorten the present duration of parliaments."

[*The remainder of this Debate in our next.*]

Designed & Engraved for the Political Register.



He rules as absolutely, & with as much indignity to every depart-
ment of administration, as when he openly held the reins of Government.

Anon

THE POLITICAL REGISTER,

For MAY 1772,

NUMBER LXIII.

To the Printer *of the* Political Regiſter.

SIR,

THE Royal Marriage-Act has at length, I find, taken place, notwithſtanding the ſtrenuous oppoſition made to it from a variety of motives. I do not in the main find fault with it, the notion being quite natural to all parents to have it in their power to diſpoſe of their Children in Marriage; and much more is it ſo to Kings, who by having the ſucceſſion in rightful heirs to make proviſions for, cannot be too ſollicitous that nothing in their marriage-connections ſhould derogate from family-dignity, and the honour of the nation.

Thus far this act may be culculated for good purpoſes; but I think, and ſhall always think, that in a goverment, ſuch as ours, it is throwing too much into the ſcale of royalty, to veſt a King with ſuch powers, as we are not

ſufficiently apprized, and may never fathom, what views he he may have, and what attempts he may make, to alter the ſuceſſion at diſcretion. It would have been therefore more eligible to have left this diſcretionary power in the hands of the Parliament, with this clauſe, that as by the laws of God and conſcience, nothing ought to be ſo free as marriage-contracts, ſo any of the Royal family might marry with whom they pleaſed, and with full and uncontroled liberty in their choice; but ſhould not be provided for by the ſtate, without previouſly conſulting the national wiſdom in Parliament, and obtaining its conſent. This is putting a Britiſh Royal Family, as is rational it ſhould, on the footing of the children of the commonwealth, to be honourably dealt with, if found obedient to her directions, but puniſhable by ſuch mark of diſgrace if contrary to admonition, they abided by the ſuggeſtions of their own will. The iſſue too of ſuch marriages may be incapacitated to ſucceed to the crown.

The marriages of Engliſh Princes of the blood royal, ought therefore to be contracted with liberty, becauſe it is of the eſſence of marriage to be free; but in conſequence of ſuch regulation of parliament for national advice and approbation, it cannot be ſaid that this liberty conſiſts in the power of marrying with whom the ſallies of paſſion may prompt them, on the conditions, and in the time, that may ſeem agreeable to their fancies. Liberty in general, ſays, Ulpian, conſiſts in nothing elſe, but the power of doing what the laws permit; and ſpeaking particularly of marriage, he ſays, that this liberty is grounded on the power of contracting it after the manner that the laws give leave. The ancient *juriſprudence* acknowledged no marriages to be lawful, but thoſe which were conformable to the laws of the ſtate; and here we muſt place a diſtinction between the legalty and validity of marriage. The validity of marriage is ſo at the bar of conſcience, and before God: no human laws can deſtroy its obligation; neither can their force extend farther than to pains and penalties. A clandeſtine marriage within the realm of England is not legal by the marriage act, but it is not the leſs valid and obligatory in conſcience before God for being clandeſtine. This is a point of view we muſt not loſe ſight of. Civil liberty holds the middle between two extremities, which are, ſervitude, and an abſolute licence for doing whatever one pleaſes. In this ſituation it can neither be the one, nor the other; becauſe this not being in the abſolute dependance of ſervitude, it has never the

leſs

less received from laws other bounds than lie at its own discretion; whence it must consist in the licence of doing that which the laws permit.

In most of the arbitary Courts of Europe, the marriages of the Royal and Princely children are not free. In France, the Princes of the blood are prohibited, by a fundamental law of the state from marrying without the leave of the King, and never have the liberty of contracting marriage of their own authority. We should be apt to conclude from a regulation of this kind, that the contracts of those, who are so far incapacitated from being masters of themselves, are of no validity, if not authorized by the King, on whom they depend. But where shall we find a reason for this? we cannot say but that these contracts are entered into willingly, as otherwise they could not be called contracts; and this is so evident that it is impossible to disavow it: yet it is true, that they are not engaged in according to the prescript of civil liberty, I mean that, which is regulated by the laws, which gives them full force both as to legality and validity: For if validity was also destroyed by the prescript of civil liberty, of course that usage must be annihilated in like manner, tho' founded on a rule of right, which says, "That what belongs to us, cannot be taken from us without our consent."

It must therefore be absurd, to think, that any human law can supersede the law of God, and of conscience; or that it can be supposed, that a man consenting to marry without the condition of civil liberty, has not the power of disposing of himself by reason of his dependance on a superior power, and in consequence of this dependance has no manner of power over himself, and cannot take to himself a woman in marriage.

The person, whom this act was apparently intended to affect is not within the letter of it, his marriage being both legal and valid; legal, as not comprehended in the last marriage act, and valid, as he indisputably had the power of disposing of himself in marriage. It seems therefore after all that nothing more has been done by the whole procedure, than to open wider the breach, and sow dissensions in the state by perpetuating a coldness and misunderstanding between the branches of the royal family. It often happens that the indiscretions of youth are attended with lucid intervals, and some of these so permanent, that wisdom takes the place of folly; and he, who had been held out as an object of ridicule to the people becomes insensibly their idol, when experience has at length convinced them, that he is totally reclaimed, and invariably pursues good courses.

Whence this political reflection will have its use, that the minister who should attempt to ingage in great designs abroad, ought first to consider if all at home be right, no causes of animosity subsisting in the state, no misunderstanding between the branches of the royal family. The union of the principal qualities is what preserves our bodies in a proper degree of health. Encroachments of all kinds are a violation of natural justice; they break the union of minds, and minds being once disunited, trouble and confusion must ensue. Who is ignorant that the union of the governing powers in a kingdom, and particularly that of the royal family, is the most assured foundation of peace and felicity to the subject? They cannot be disunited from the sovereign, and none of them can attempt to enterprize any thing against his authority, without breaking through the laws of justice, and breaking likewise their own union, which must expose the state to great calamities. This thought is of Micipsa in Salust. And Cyrus instructing his son Cambyses, gave him for advice, to maintain the harmony of friendship with his kindred, and even to grant them advantages sufficient to content them, as so doing should make him beloved by his subjects, who never imagine a Prince capable of friendship, that does not love those of his blood. This consideration may be the more important, as Tacitus says, that it is usual with the People, to entertain a particular affection for the Prince's relations, when they see them hated by him without reason, giving an instance of the love the Romans bore to Germanicus, which increased in proportion to Tiberius's hatred of him: For it is evident that this particular affection of the people, would put great advantages in their power for disturbing the state, and might support them in case of a revolt. And as it can hardly happen that the sovereign's relations may remain unappointed, and without departments to direct in the state, how shall they acquit themselves of their duty, if suffered to live at variance with him, and to engage in parties and cabals to his prejudice? would not this be evidently exposing him to the danger of civil wars, of which we have but too many examples in our history?

The Torment of KINGS.

A King died without leaving behind him an heir, and by his will gave away the Crown to him who after his death should first enter the city of his residence. A poor labouring man appeared at the gates when the King had expired, and was instantly crowned. He had intestine and foreign wars to sustain, commerce to revive, taxes to lessen, arts to make flourish, subsist-

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ance of his people to provide for. He learned to put things in a ſhort time on a good footing, becauſe he had common ſenſe; and ſucceeded in all, becauſe he ſincerely wiſhed to do good; but he was full of cares and overwhelmed with uneaſineſs. An inhabitant of his village came to ſee him, and ſaid: Thanks be to the All-powerful God, with whom nothing can compare who has raiſed you to ſo a high degree of glory and power! Ah! friend, ſaid the king, inſtead of thanking God, aſk him to give me courage and patience, pity inſtead of felicitating me: In my former ſtate, I only ſuffered by my own wants; but now I ſuffer by the wants of every one of my ſubjects.

To the Printer *of the* Polttical Regiſter.

SIR,

NOTHING for ſome time paſt has ſhocked me ſo much, as an account I lately read in Bingley's Journal of the manner of ſpending life and killing time, which has been adopted as ſomething ſuperlatively exquiſite at Buckingham-houſe. I cannot think that there is any truth in the narrative, and that it muſt therefore proceed from malevolence; for who could imagine that a plan ſo abſurd, ſo ſavouring of folly ſhould be ſo almoſt invariably purſued by rational beings, forbid it decency! Forbid it wiſdom! Forbid it Majeſty; I wiſh never to hear more of it. If the caſe, however, might be ſo, we have juſt reaſon to lament over human nature which is prone to take to bad ways, when unaſſiſted by lights thrown round it from proper education. If therefore you think, Sir, that the incloſed letter from one friend to another, *On the Education of Children, and particularly that of Princes*, would prove entertaining in your regiſter, it is at your ſervice from your conſtant reader and correſpondent, Y. Z.

Dear Sir,

I AM ſo perſuaded that a good education is of all means that which contributes moſt to the well-being of human nature, that I cannot help admiring the inſtitutes you are endeavouring to train up your ſon in.

Far from convincing the world that you had any thoughts, according to the preſent mode, of making him acquire qualifications more flaſhy, rather than juſt; of giving him a turn for external politeneſs rather than ſentimental impreſſions; of teaching him the world, rather than making proviſions for the ſecurity of his modeſty and virtue; you on the contrary exert yourſelf from the idea of excellent models, to make him as perfect as nature herſelf may require.

I ſay nature; for if it be true what Rouſſeau ſays, that nature made us for living in a ſtate of ſeparation from one another, all our care would then be to no purpoſe. In that ſituation, inſtinct alone would be ſufficient, and we ſhould be the more happy, as regardleſs of our like, we would ſhew leſs attention to them, and retain more affection for ourſelves.

But even in that ſtate, as being immerſed in idleneſs and addicted to maleficence we, ſhould be a greater nuiſance to the earth we lived on, than the moſt ſavage beaſts; and our ſtupid exiſtence would be as fatal to our fellow-creatures as theirs would be to us by a like exceſs of pride and brutality.

It cannot indeed be ſo; for deſtined to live in ſociety, I mean to form a community of our abilities and talents; reduced to borrow helps that are wanted to us; obliged, for our own intereſt to make a return of thoſe we have received: Beings, in ſhort, neceſſarily dependant on each other, we ſtand in need of ſentiments to unite us; and theſe ſentiments which nature inſpires us with, good education muſt cauſe to ſpring up, muſt depurate, and nurture.

There is nothing but the good uſe of wit and knowledge that can compenſate the trouble we take in acquiring them; and indeed it would be of little ſignificancy to attain degrees of knowledge ſurpaſſing thoſe of other men, if we had not learned by education the art of living with them, and by mutual ſervices, the ſecret of attracting their love and eſteem.

As long as the world ſubſiſts we ſhall ever meet with jealouſy, hatred, injuſtice, fraud, revenge, treachery, as ſo many obſtacles to the union of hearts; yet will not good education blunt in a great meaſure the edge of their malignity, and after all our reflections on the ways to happineſs, ſhall we be able to find any other, than that pointed out to us by gaining the eſteem and friendſhip of men? It is this precious felicity, eſpecially to a well inſtructed mind, that can induce it to make a ſacrifice of glory, ſo it can but retain honour; and this felicity is not the effect of conſtitution, the work of reaſon, the appendage of dignities, the advantage of riches. In vain ſhall we ſeek it in ourſelves; it is in the hands of our like, it is from them we muſt expect it; we can do nothing but deſerve it. But how otherwiſe ſhall we deſerve it unleſs it be by acts of beneficence, by unaffected politeneſs, by ſincerity in dealing, by undiſguiſed integrity, and by as many marks of eſteem as we ſhould deſire a return of?

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If this be the ſtate of the caſe, as in fact it is, it will be loving ourſelves truly, to love others, who are only capable of making an eſtimate of our talents and our virtues, the only whoſe ſuffrages recompenſe and ſupport merit, the only authors of the happineſs which flatters us moſt, and which it intereſts us moſt to poſſeſs.

I aſk what would become of our moſt eſtimable qualities, if there were none who ſhould think it worth their while to eſteem them. Shut up within our own hearts, where they would be to ourſelves only a ſubject of complacency, they muſt ſoon loſe all their value; or they would turn out an object of indifference, and then nothing could induce us to ſupport them. In the firſt caſe, our pride, if it was known, would draw upon us nothing but hatred. In the ſecond, our indolent coldneſs would draw upon us nothing but contempt. In both caſes, all merit would be quickly annihilated.

It is therefore true that we owe to thoſe whoſe eſteem we ſeek, that which contributes moſt to our perfection; and thence I infer that we cannot too much inſpire young people with the love of that eſteem. It is in reality the leaſt frivolous and moſt flattering happineſs; and to deſire that happineſs, is not indeed a virtue, but a ſort of neceſſity, which the welfare of human beings, and nature herſelf impoſe on us.

It is an indubitable fact that this deſire excites and gives life to the leaſt talents, and enriches ſociety with all the degrees of merit which wou'd have been loſt to it, whether a daſtardly indolence ſhould keep them buried, or proud timidity could not prevail upon itſelf to produce them, or a ridiculous modeſty had made them prove abortive.

We ſhould therefore be far from neglecting to give mankind an early knowledge of the importance of this love of conſideration, the ſource, or at leaſt the ſupport of our virtues, it being equally uſeful and neceſſary to make young princes ſenſible of it, notwithſtanding their elevated condition of life.

It is however certain that this love, which carries us ſo powerfully to all that may be capable of raiſing the dignity of our nature, makes commonly but languid impreſſions on men born in the affluence of all things, and who for the moſt part, having no wiſhes to form, and being able at pleaſure to realize, or render fruitleſs thoſe formed within their dominions, expect nothing from other men but ſubmiſſion and reſpect.

But if we look to the order of providence, and conſider that this world is governed by conſummate wiſdom, we have reaſon to require, if not a perfect image, at leaſt one that may bear ſome reſemblance to it, in the government of the people com-

committed to the care of princes, whom we ſuppoſe commiſſioned to act as God's vicegerents upon earth. The whole education of a prince ſhould therefore be directed to the purpoſes of wiſe government. He ſhould be particularly intelligent in the hiſtory, laws, uſages, and cuſtom of the countries, and his mind ſhould be adorned with all uſeful ſcience, that ſeeing all with his own eyes, and underſtanding all with his own mind, he may be able to judge between God and his People. Thus it is that he will find himſelf, in conſequence of the power he is veſted with, holding to other men by an infinity of duties, and that if fortune has nothing to offer him which he has not received from birth, there remains ſomething more great and more happy to be deſired by him, I mean the love of his people on account of his wiſe and virtuous adminiſtration, and particularly that ſort of love, which eſteem is creative of, and which becomes ſtronger and more effectual than duty. *Pueri ludentes, Rex eris, inquiunt, Si recte facias.*

Yet how much is to be lamented, notwithſtanding all its external brilliancy, the conditions of Kings! Brought up in the center of paſſions, it is almoſt impoſſible for them to guard againſt them, and they are ſcarce ſuffered to perceive the danger of thoſe to which they have the misfortune to deliver themſelves up. Seldom diſturbed by reproaches, or even by advice, ſeldom checked by any obſtacle, their paſſions, at length become as arbitrary as themſelves; and be they what they may, whether vicious purſuits, or frivolous amuſements, they are ſure of finding ſycophants to reſpect, applaud, indulge, and even juſtify them.

How many courtiers are there who not able to exiſt but by the weakneſs of their maſter, are in dread of his virtues as much as a diſgrace; and who inceſſantly induſtrious to nurture in his heart the perverſe propenſities they have planted in it, make a traffick of his glory, and enrich themſelves at the expence of of his indifference for maintaining it.

There is nothing but the deſire of being beloved which can ſecure a prince from the fatal ſnares which encompaſs him on all ſides. To make him therefore ſenſible of the value of that love is the end to which all the cares of his education ſhould tend; and who can be ignorant that this love is infinitely more flattering than a forced obedience, which but too often fills with trouble and vexation him that pays it, and always accuſes him of guilt that requires it?

It is not commonly, neither the thirſt after gold, nor the paſſion for honours, that make King's ſhew an indifference for the love of thoſe whom chance has ſubjected to their government. Born in ſplendour and opulence, their fruition runs almoſt

almoſt to ſatiety, ſo that what ſeems to give them leſs arduous for captivating the hearts of other men, is not ſo much a taſte for pleaſures that ſtupify the ſenſes, enervate the bodily frame, and degrade the man; as that mean notion of ſeeking pleaſure amidſt ſuch inanities, follies, and ridiculous amuſements, as muſt of courſe degrade the King.

But in general, how inſipid are all pleaſures comparatively with the agreeable emotion excited in the heart of a prince by the tender return of a beloved people! And of what ſignificancy can pleaſures be which coſt nothing in wiſhing for them, which exçeſs gives a diſguſt to, or from which ariſes continually the want of other pleaſures, and of ſtill greater pleaſures, and which ſpent and worn out by habit, reſemble perfumes that loſe their virtue by the too frequent uſe made of them?

There is no true and ſolid contentment for Kings, but that which eſtabliſhes a conſtant mutual tenderneſs between them and their ſubjects; and this mutual relation ſhould be as that which ſubſiſts among all the Beings of nature, and without which, the world would ſoon be annihilated. In fact, if ſtates periſh becauſe there are bad ſovereigns, it is not leſs true that they likewiſe periſh, and perhaps even ſooner, becauſe few of the ſubjects are ſincerely attached to their Princes. It is this harmony of the head with the limbs, which makes the ſovereign ſo much the more happy, as being ſenſible from the love of his ſubjects that even if birth had not brought him to the throne, the ſame love would have placed him on it; but how ſhould he enjoy ſo perfect a ſatisfaction, depending on a multiplicity of ſentiments ſo difficult to be united, if he had not procured it for himſelf by an acceſs always free and open; by an affability which, ſeeming to ſuſpend the rights of ſovereignty, acquires for him a greater ſhare of homage; by a liberality of diſcernment, and not of prepoſſeſſion or caprice; by a due regard for the liberties and even prejudices of the people; and by a ſort of turn of mind, wiſdom, and precaution, which teaches to govern with reſerve, and according to occaſions, to give way with dignity.

How many are the duties comprehended in theſe few words, yet I ſhall venture to add to them, that a Prince ought to know how to make clemency keep pace with juſtice, ought to ſweeten the bitterneſs of reproaches with the mildneſs of expreſſion, diſtinguiſh a foible from a vice, ſubſtitute pity to indignation, be rather ſollicitous to reclaim than puniſh thoſe who have had the misfortune to diſpleaſe him, and, as heaven ſo often irritated by all ſorts of crimes, keep in ſtore more thunder for frightening, than thunder bolts for deſtroying.

Happy therefore the Prince, who in order to attract the love of his People, leaves nothing undone that may make him deserving of it, and who in this view, endeavours to manage his finances with oeconomy, and properly expends them without regret; who takes pleasure in rewarding merit, and who sometimes under a necessity of refusing, has the good grace notwithstanding of obliging in his refusal; who studying how to contract the space that seperates him from his subjects, raises them to him the better to hear their complaints, or vouchsafes to descend to them to be better acquainted with their wants; or who in fine. by an authority without pride, and by a goodness without weakness, obtains from them what his dignity has not a right to require, a love of esteem and of confidence, which uninfluenced by fear, becomes a passion approved of by reason, animated by gratitude, supported by interest, and inflamed by the general good of the Country.

This is the love, which a good King has the happiness to to see pass during his life to his children, and which, becoming in them a natural sentiment is perpetuated from generation to generation, from age to age. So it is we still love such Princes as Trajan and Marcus Aurelius. The love of their subjects, impressed, as it were, on our nature, has been transmitted to us amidst the wrecks of a number of thrones filled by Princes hated or despised; it has been transmitted to us with life, and those indebted to us for their being, will in like manner, consign it over to their posterity.

It is therefore true, that of all the good things in the possession of Princes, the love of their subjects is the most capable of satisfying their ambition. It will be always seasonable to make them sensible of its advantages, but more particularly in early youth. Like unto those characters, marked out on the bark of young trees, which grow, widen, and expand with it; so this desire in youth will be more easily graved on the heart, will afterwards display itself with more force and energy, and mingling with their instinct, will become in time as a part of themselves.

This truth thus acknowledged as established, I say, that if it highly concerns Princes to make themselves beloved by their subjects, it is still more indispensable for men in general to study the means of acquiring the esteem and friendship of their like, and this ought to be one of the first principles of their education; because no other can be fitter to make them happy, more capable of maintaining order and peace in the world, and making but one family of all the subjects of a state.

Thoughts

Thoughts upon several Subjects.

WHEN we are young, the opinion of the world governs us, and we study more to be well with others than with ourselves. Upon the verge of old age, we begin to find less precious what is foreign to us; and nothing so highly concerns us as ourselves, though we are on the point of seeing this self care of little or no effect to our satisfaction.

It is with life, as with all other valuable things we are thought to be possessed of: All is dissipated when we fancy our stock to be great; or œconomy does not come exact but to manage the little that remains to us. Young people are observed to be lavish of their being, when they believe they shall keep long possession of it, but we become more endeared to ourselves, the nearer we perceive the approaches of fatality. However, in this languid state we may still preserve to ourselves some pleasures; yet let us be aware of flattering the suggestions of self-love. If we find all the sentimental springs of vice slackened, or even quite decayed, to what must we attribute this change? To the weakness of a worn-out body, or to the moderation of a mind, become wiser than it was before? The truth is, we have just reason to fear, that the alteration is more owing to the infirmities of age, than to the advantages of virtue; and that we ought rather to be concerned for, than rejoice at the tractableness of our motions.

A man might be happy by the entire exclusion of certain passions, and by granting only admission to some others. His days would thus dawn amidst the smiles of peace, and close with the sense of pleasure. His actions would be uninfluenced by fear, sorrow, hatred, and jealousy. He would desire without inquietude, and enjoy without transport.

The state of virtue is not a state without trouble, we suffer in it an eternal conflict of inclination and duty. Some times we take up with what offends, sometimes we resist what pleases us; finding it almost always painful to act when obliged by duty, and likewise to abstain from what we are prohibited. But the state of wisdom is easy and gentle: It reigns in peace over the movements of the soul, and governs as subjects the sentiments virtue fought against as enemies; so that there can be no internal combat between passion and reason.

The idea we entertain of ourselves by only considering our interior, is always somewhat confused. The external image appears always in the truest light; hence, the opinion of our merit loses the half of its charm the moment it is produced; so that the complaisance of self-love vanishing insensibly, leaves us disgusted with its sweets, and quite ashamed of a vanity, as foolishly conceived, as judiciously relinquished.

Too many precepts cannot be laid down and inculcated for making men just; for they have naturally too great a propensity to be otherwise. It is justice that has established and preserves society. Without justice we should still be a vagabond multitude; and without it our impetuosities would throw us into the primitive confusion we are now happily extricated from. Yet instead of acknowledging with pleasure this advantage, we think ourselves cramped by the happy subjection it keeps us under, and we still sigh after a fatal liberty that would be productive of the greatest misfortune in life. When the scripture speaks of the small number of the just, we are not hence to conclude, that integrity of life is hard to be found among us; but that we are little inclined to act as we ought through a principle of justice. If all the good that is commonly practised, was carefully examined into, it would be found to be purely the result of another virtue. Good nature, friendship, benovolence, claim their share. Charity flies to relieve the wants of a neighbour; liberality gives, generosity obliges. Justice, which should take place in all respects, is rejected as a troublesome guest; and it is only necessity that makes it an ingredient of our actions. Nature endeavours to please herself by qualities, wherein we act by an agreeable motion; but she finds in justice a secret violence, as by it the right of others requires what we do; which, to add to our vexation, we must rather consider as an acquital of our obligations, than that they remain indebted to us for any received benefit. It is also by a secret aversion from justice, that some choose rather to give, than to make a return, to oblige than to acknowledge. Thus, we see that the liberal and generous are not commonly the most just. The regularity of justice, as founded on a constant order of reason, opposed to the natural impulse of liberality, is the very thing that fills them with displeasure.

Those, who are ruined by some accident of fortune, are usually pitied by every one, because it is an unhappiness of the human condition to which all are subject; but they who become wretched through vain dissipation, are rather objects of contempt than pity, because they have brought misfortunes on themselves by indulging some particular folly, which all think themselves clear of in consequence of the good opinion they have of themselves. Add to this, that nature always suffers a little in compassion, and to get rid of a painful sentiment, looks back at the folly of the prodigal, without proceeding to a near view of the wretch.

There are not so many ungrateful persons in the world as is generally

generally believed, nor so many who may be said to be possessed of the true spirit of generosity. He who is silent in regard to the favour he has received, may be reckoned undeserving of it. He who publishes that which he has done, converts it into an injury, shewing you the need you was in of him to your shame. A good man ought to be a little nice in receiving, and sensible of the obligation he has received. The person that obliges, should be satisfied with the generosity of his action, without thinking of the gratitude of those whom he obliges. When he expects a return, the good he has done is no longer a liberality, but a kind of traffic which the spirit of interest was fond of mixing up with favours.

There is something heroic in great liberality as well as in great bravery; and these two virtues are so far alike, that the former raises the soul above the consideration of the riches of this world, and the latter extends courage beyond the care of life. But notwithstanding these noble and generous impulses, if both are not kept under a proper regulation, the one will become ruinous, and the other fatal.

Curiosity excites us to enquire diligently what shall become of us after death. We are too fond of ourselves to consent to our intire destruction. Self-love secretly resists the opinion of our annihilation. The will constantly supplies us with desires of ever existing; and the mind interested in its own preservation helps this desire with some light in a thing of itself very obscure. Yet the body which sees that it must surely die, as if it was unwilling to die alone, forms reasons for involving the mind in its ruin: But the soul knowing that her action is independent of organs, perceives that she can subsist without them. Some to penetrate into so hidden a mystery, have called in to assist their reflections, the knowledge of the ancient and moderns; but after perusing every thing that has been written on the immortality of the soul, the most sensible proof that can be found of the eternity of the mind, is our eternal desire of always existing.

RETREAT.

A King's minister being disgraced, retired into a fertile valley, which he was assiduous in cultivating. As he had not deserved this reverse of fortune, he easily found means to console himself, and insensibly took delight in the new kind of life he had embraced. The King, who had reason to esteem his talents, began to feel the loss he had sustained, and paid him a visit on purpose to desire he would return to court; but the minister refused the King and said: You raised me to the first

first dignities; I firmly withstood the agitations of grandeur; you forced me to retire, I now taste the sweets of rest, and I wish you would suffer me to enjoy them. To retire from the world, is drawing out the teeth of devouring animals, is taking away from the wicked man the use of his poniard, from calumny its poison, and from envy its serpents. The King insisting on his coming back, said: I want a person of abilities, and a heart of integrity and goodness, to support with me the burden of my governments, and in you only I can find the man I want. You will find him, answered the minister, if you seek him among those who do not seek you.—This apologue shews, that those who want to be in place, are not the fittest for the purposes of government.

To the eighty-three honourable Members *who supported, by their votes in the House of Commons, Mr.* Sawbrdge's *Motion for shortening the duration of Parliament.*

Gentlemen.

WHEN the depravity of men in your station is become almost proverbial; when that noble virtue, patriotism, which exalted almost to divine honours, the heroes of antiquity, is openly derided; when even to profess a love for your country is called folly, and successful corruption is esteemed an evidence of superior abilities: I say, in an age like this, it would be disgraceful to the sons of science to leave uncelebrated your generous conduct. Though venal wretches may prostitute their pens in defence of measures which they either understand not, or know to be wrong; let men of liberal minds, and extensive erudition, offer at the shrine of virtue alone, the ever grateful incense of praise.

We may reasonable expect, from the specimen we have had of your glorious disinterestedness, that even these degenerate times may produce a British senator, of whom it may hereafter be said, as it was formerly of a celebrated Roman, *citius sileme sua sphæradivelli quam Fabium ab honestate potuisse.*

In the annals of our own country we find æras when true patriotism formed the character of the people. Had you lived then, your extraordinary merit had obtained no distinction: and would to God that truth would not now permit me to ascribe any reputation to you, at the expence of my country. But alas! it is too notorious, that if a good man can derive the least addition of honour, for having acted uprightly in times the most unpropitious to public spirit, ye are entitled to it.

Though the enemies of freeom triumphed by their numbers, they were ashamed of their prostitution, and did not dare

dare to enter formally into a defence of their principals. Chosen by the people for their guardians and protectors, they have not only basely betrayed their interests, but have employed every seducive art to corrupt their manners; and some, with incredible effrontery, now urge the want of that virtue which they destroyed, as a reason for enslaving them. The murderer might with as much justice claim the property of the wretch whom he has slain, as those assassins of the constitution, the continuance of privileges which they have unjustly usurped.

The right to elect representatives in parliament is an undelegated portion of natural liberty, retained by the people at the foundation of our monarchy. It is unconnected with, and independent of the legislative authority. Neither the King nor the lords can, without infringing the reserved rights of the commons, concern themselves either in extending or shortening the time appointed by the constitution, for the exercise of the elective power, because, being fixed parts of the legislative body, they act in their own persons; and, consequently, stand in no need of representation; and had our predecessors foreseen the evils which have ensued through inattention to this doctrine, they certainly would never have permitted them to interfere in enacting any laws relative to elections. We must here draw a line between the legislative authority, and the distinct rights of the people. The former is omnipotent whilst it continues, but its duration is limited to an unalterable period; and, when arrived at the extent of its constitutional boundary, its legal power ceaseth. It is dissolved by the operation of times, and can be prolonged by no legal process. What I have said implies no contradiction: and the idea may be perfectly ascertained, by recollecting the office of a dictator at Rome. For six months the Dictators authority was absolute and uncontroulable; but, at the expiration of that term his power was extinct. The perpetual dictatorships of Sylla and Julius Cæsar were usurpations simular to that which our Legislature assumed by the septennial bill. Both were notorious violations of the laws of their country, and both will terminate in the same fatal manner, if we, like the degenerate Romans, forget the virtue of our ancestors, and be weak enough to submit to so base a tyranny. Your unsuccessful attempt to destroy that infamous act, clearly evinceth, that, if we will emancipate ourselves, we must have recourse to other measures, and not vainly expect relief from that sink of corruption, which dishonours the name of a British Senate.

To some, perhaps, despotism yet appears in its infancy, and may therefore be thought not dangerous: but, nursed by bribery, it

it thrives a-pace; and depend upon it, if no precaution be used, the rapacious monster will soon be too strong for you to resist.

Consult the statutes of the present reign, and you will see such a chain of oppressive laws, that incredulity itself must be convinced, that a design is formed against the liberties of the people. Prerogatives of the Crown, not warranted by law, are acknowledged by parliament: the minds of the people are prepared for slavery, by legal restraints, unjust, oppressive, and even contrary to the law of nature; and the first corporation in the kingdom, under the sanction of an act of parliament, has been dispossessed of that property, which it had enjoyed for ages without interruption. Can any private man, after this, think himself secure in his possessions, if the minion of a court should make them the objects of his wishes? These are characters of tyranny so strongly marked, that, unaided by opticks, the most short-sighted may peruse them. The enemy hath taken the field, and if we prepare not immediately to meet him, both we and our posterity must inevitably wear the inglorious yoke of slavery.

The season is approaching when gentlemen of your rank usually retire into the country; and you will then have an opportunity of disseminating amongst the people an apprehension of their danger, and of inculcating those just and noble sentiments concerning government, for which our writers are so celebrated. Let not the name of faction frighten you. There are times when the greatest service a good citizen can render to the state is to excite discontent. Had our forefathers foolishly dreaded the imputation of sedition, they would not have transmited to us either civil or religious liberty. And shall we, through the pusillanimous fear of a little discord, be deterred from defending such invaluable possessions? Besides, the evils with which we are threatened, if we remain inactive, are greater, more certain, and in all probability will be of much longer duration, than those which a legal opposition can possibly occasion. The constitution is attacked by a most malignant disorder, and, though the medicine prescribed were ever so unpleasant, we had better submit to take it than perish by the disease.

Immedcia de vulnus
Ense recidendum; ne pars sincera trahartur.

But avert, O God! the dreadful consequences of an appeal to thee! I write not, thou knowest, with a seditious spirit. The natural and civil rights of my country are invaded, and I would willingly protect them. In other nations I have seen the horrid effects

effects of slavery; and my mind revolts with indignation at the idea of transferring them to Britain, a land of liberty, which seems formed by nature as an asylum from persecution and tyranny. Let us then resolve to be free, and at the same time use every preventive art to evade the horrors of civil discord. It is yet practicable. Happily we are not in a condition that requires violence; and if you exert yourselves without delay, you may easily prevent us from ever being so. A society already established points out the way. Would each of you, in the counties where you are going to reside, form associations on the plan of the Constitutional Society, such a spirit might be raised before the next General Election, as would bid defiance to corruption. These provincial societies should correspond with that which is seated in the capital; and it would add weight, dignity, and union to the whole, if you, gentlemen, would become members of both. These are the outlines of a noble design: I leave the sketch for you to finish. Apply to yourselves, deservedly, Lucan's fine and comprehensive character of Cæsar; *nil actum reputans dum quid superesset agendum.*

TIMOLEON.

To the worthy LIVERYMEN *of the* CITY *of* LONDON.

GENTLEMAN, *Guildhall, April* 6, 1772.

HAVING now compleated more than six months of the year, which you assigned us for an important office, we desire your aceptance of our hearty thanks for the assistance we have received from you in the discharge of our duty, and entreat the continuance of your support and friendly counsels.

We have from time to time submitted our conduct to you on a variety of occasions, and to the last moment of our Sheriffalty are determined, that every public transaction, in which we may be concerned, shall be given in all its circumstances to our candid and discerning constituents, to whose impartial judgement we will always chearfully appeal.

The new *Freeholder's Book* for the County of Middlesex, and Juror's book for the city of Westminster, have been from the beginning of this year deposited in the proper offices, and are now always used. The juror's book for the City of London is not yet compleated, and we fear cannot be perfected before the end of Easter Term.

The bailiffs, and other inferior officers of justice, have been strictly watched, and regularly kept with in the bounds of their duty, except in some few instances. The parties aggrieved have in every such case found the most speedly relief.

We have the satisfaction of reflecting, that, the extent and populousness of our jurisdiction considered, the applications for redress of any kind have not been numerous, and we owe it to the public character of your sheriffs to declare, that not one has proved ineffectual, when the complaint was well grounded. Few grievances have come to our knowledge, none been left undressed. We think it becomes us to make this appeal to our fellow citizens, while the power still remains in our hands to do justice to every person.

Our particular attention has been bestowed on the many unhappy objects under our care in jails, prisons, and lock-up houses. We have frequently in person attended this essential duty, and afforded every alleviation in our power to the miseries of those who languish under the loss of the noblest blessing, and most valuable enjoyment, personal Liberty. We may congratulate our countrymen, that the number of these unfortunate persons has not been attempted to be increased this session by any illegal royal proclamations, or commitments, *during pleasure*, made by either of the two houses of parliament. Their late usurpations on the personal rights and privileges of the people seem to be given up and surrendered. The Lords have not dared so unconstitutional an order of imprisonment, nor to impose any fines at their arbitrary will, for offences cognizable by juries. No man has been committed at their bar for what their votes, not the laws, declare seditious, nor for what they so readily find a libel on a brother P—r, nor have they ventured to condemn any person on the first original hearing of a cause, which ought to come before them only by appeal from the inferior courts after the verdict of a Jury. The House of Commons have tacitly acquiesced in the claim made by many of our worthy fellow citizens for the people at large, that the constituents of this kingdom have a right to be fully informed of all the proceedings of their servants in Parliament. Their votes indeed assert, "that it is an indignity to, and a breach of the privilege of the House, for any person to presume to give in written or printed news papers any account, or minutes of the debates or other proceedings of the House, or of any committee thereof;" but the usurpation was apparent, as well as the *indignity* to their masters, and the *breach* of the *privileges* of their constituents. Their other resolution in consequence fell into contempt, that "upon discovery of the authors, printers, or publishers of any such written or printed news paper, the House will proceed against the offenders with the utmost severity." Several honest printers, in defiance of their ——orders, gave the public under their names all the particulars of their proceedings during

during the last session, which the House so prudently endeavoured to hide in a d--kn-ss suited to their deeds. The most natural effect followed, a general abhorrence of them through the nation. The same persons who asserted our rights the last winter, have through the present session continued the exercise of it in its fullest extent. Notwithstanding the report of the *Committee to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of the House, and to consider what further proceedings may be requisite to enforce a due obedience thereto*, was, in express terms, that *the House should order, that the said* J. MILLER *be taken into custody of the Sergeant at Arms attending the House*, the said J. MILLER is still at large, still continues the severest attack upon them by faithfully publishing their proceedings, still braves their indignation, and sleeps secure in the City. Among the number of daily offenders of this kind, the corrupt majority in the House of Commons have not presumed to commit a single printer, although by the late Royal Marriage Bill they have invaded the primary, inherent rights of human nature, and the divine institutions in the persons of the descendants of the late most excellent King, and regardless of the cries of the starving poor, employed themselves this whole session only to enslave the family of a Prince, whose memory become every day more dear and sacred to all true Englishmen. The people are now made the judges of the conduct of their representatives and the full exertion of the liberty of the press, the great bulwark of all our liberties, in support of the constitution with the other acquisitions for the public, will render this æra ever memorable in our annals. These triumphs over the ministerial faction we hold more important at this period because they have been gained, when the chief magistrate of the capital had betrayed the rights he was chosen to defend, and trampled upon the known privileges of all the electors of this great city, which is upright predecessor vindicated with true spirit and courage. Many friends of the cause of liberty we know are apprehensive that the late usurpations will be soon renewed, or at least in the following year. We entreat them not to despond, nor to indulge that gloomy idea. During our continuance in office we will stand forth the protectors of the just priviliges of the subject. Your virtue, Gentlemen of the livery of London, will, at the ensuing Midsummer, give us successors equally zealous and undaunted in the cause of freedom and our country. We are, Gentleman,

With great difference, your obedient and humble servants,

 J. WILKES *and* F. BULL.

To JUNIUS NAUTICUS *

SIR, *Portsmouth, March 30.*

THE paper of the 24th instant, containing your letter to Lord Sandwich, not having reached this town, till the 26th, I could not address myself earlier to you upon it. My impatience may have led me into some inaccuracies; but that is a fault I dare say you will excuse: You must not expect from me any acknowledgements for the good offices you have rendered his lordship, in what you have said concerning his management of the navy; for allowing you have done some services to his character, one cannot forget, that your pen was employed to answer quite another purpose. I apprehend his lordship has not taken your prescription; but if he has, the ingredients which composed it, were too simple to produce any ill effect. It is idle to talk of a "more pungent mixture" hereafter: Your skill was exerted in this to make it as strong as you could; but you will soon experience, that your drugs have no force. To be plain: According to accounts which I receive of his lordship's health, it is such he may venture to take whatever you shall prescribe, without any apprehension of consequences.

Permit me to consider the nature of your prescription. You, say Lord Sandwich "has caused it to be spread about, that he has "brought the navy into better condition than "since the peace." Were it not for the imputation of vanity, his lordship might have said it himself; but this was as unnecessary, as it would have been to employ others to do it: The truth spoke for itself, and even you, against your inclination, have taken part in support of it. You admit, "the Ships have been more thoroughly inspected than for some Time before"; which is given in his favour the very fact you would turn against him if you could. It is begging the question to say, "whoever was at the admiralty, must "have given the same directions to the Navy Board as he has done." It is not the more likely for your having advanced it. It is well known, that at the same time that former boards of admiralty issued their orders concerning the repair of the fleet, they inculcated ideas, which rendered the purpose of them very short of what was ostensibly intended to be answered by them. Lord Sandwich saw the necessity of overturning a practice so fatal to the welfare of his country; and instead of restraining his orders, followed them with

* See a letter to Lord Sandwich, signed Junius Nauticus in our last number page 24.

with explanations, to shew he meant they should be fully complied with; and according to this resolution, the officers, under whose cognizance the execution has fallen, have had only to consider the most effectual manner for the purpose. This resolution was become the more necessary, as the restraint of former Boards of Admiralty upon the Navy Board, had brought the latter into such a timidity of conduct, in regard to expences, as at length to bring them to view œconomy, without distinction, as an object more disagreeable to the state, than any other that could be possessed.

Lord Sandwich's success in this important part of his duty has been such, that, seeing you cannot depreciate it, you try to fix his merit by the standard of others; but the contrast places him too far asunder ever to bring them to move on the same level.

Before I quit this part of your letter, let me ask you if you really think, "after the navy of England has once suffered a neglect you acknowledge to be scandalous, that a little money and a little labour will put it into good condition?" you might have known better. I am persuaded there is not a shipwright's boy in this yard, in the first year of his apprenticeship, who would not have told you the contrary. Believe me, Junius Nauticus, when a fleet is once let run into a bad condition, it is not a little, but a great deal, both of money, labour, and time too, that are required to reinstate it.

Let me next ask you, in what has Lord Sandwich "alienated the minds of the officers and seamen from his Majesty's service, so as by his tyranny to have reduced the navy to a degree of imbicility?" I have the same opportunity of information at this place as yourself, and nothing like such an effect has come to my knowledge; on the contrary, there is a more perfect approbation of his care in general, than I have seen given to any one, who has presided in the same station for the last thirty years. It is easy to see you are exhibiting as a grievance, the having continued in the service the seamen who came home about the end of last summer, in the three ships from North America, the West Indies, and the Mediterranean. But surely it is not from the consequence of this alone that you "tremble?" Should your uneasiness be really confined to this, and lest a single person should partake in the feeling, I will shew you it is groundless.

The ships alluded to arrived in England nearly together; there were then some capital ships in want of repair lying at that port, where I am told, they could not be taken in hand. Upon the question, how should these ships be con-

veyed

veyed to a port where their repair could be performed? It was resolved, and I think very naturally, to do it by the men which had just arrived. Pray what method would you have taken? Perhaps you would have chosen to let the ships remain in rottenrow. I have known times when such things have been done without reproach; but it is a happiness with Lord Sandwich to square his conduct by a more extended line. His perspicuity discovers advantages which others over-look. He is equally successful in pointing out relief under difficulties, which are apt to arise in matters that are new; and he has courage to pursue his ideas, the instant he perceives them to be for the public good.

These ships would, in all probability, have been lost to the national strength, besides a heavy annual expence, during their progress to a total decay, if they had not been thus transported to a port of repair; and surely the continuing seamen in a harbour at home, enjoying full pay, and living upon fresh provisions, for a purpose in their own element, is at least described with extravagance, when it is imputed to "tyranny." I suspect you would have been amongst the first to have arraigned Lord Sandwich, if, after knowing the fact I have stated with regard to those ships, he had neglected to employ the men in the manner he did.

How ever happy you may fancy yourself in describing their hardships, the whole, be assured, is the effect of ignorance or virulence. In what, from this transaction, "is the public faith dishonoured?" or how is "the compact broke between the nation and her best servants?" These men appears to have been the object of tender consideration. Every one here knows the orders that were given concerning them; these were, that every seaman, having a year or more wages due, should be paid six months; then have a month's leave, and on his return to a ship at Portsmouth, have the whole of his remaining wages paid. Consult the act which you say "was formed to guard against the tyrannical use of the power of the Admiralty;" you will not find those orders repugnant to it: Nor would a candid man have suggested, that it ever could be in contemplation, "to advantage government by seizing on the wretched arrears of these men." There was sufficient pay to keep them from desertion; and so soon as they should return from leave, the orders expressly directed all arrears to be immediately paid them. Yet Junius Nauticus has advanced, "that the time of these men receiving their pay rests solely with the Admiralty, and they remain slaves bandied from ship to ship as long as they live."

I can

I can excuſe the foibles of an enemy, when he makes me ſenſible of his zeal for the navy. It is that which has raiſed this nation to greatneſs: It is that which ſupports us in the poſſeſſion. I feel myſelf warmed, when a man but points his finger at that, which can poſſibly grow to an evil in the end; and I am eager to ſee it averted. From this diſpoſition I am led to applaud your diſlike "to the practice of lending ſeamen to do duty in other ſhips." Their diſguſt at it is great; and it is to be feared, it never can be eradicated. I however condemn your application. It is your plan to throw dirt on Lord Sandwich; and in doing it indiſcriminately, I do not wonder you charge this practice on his Lordſhip. How unfair! The uſage is perhaps as ancient as the conſtitution of the navy: It has been carried to greater lengths at ſome periods than others; but by Lord Sandwich to a leſs degree then any of his predeceſſors. My friend admiral Drummond, who could judge of ſervice before the peace of Ryſwick, and whoſe death was within the laſt ſix months, though he condemned the practice, never diſowned that it was in uſe when he firſt went to ſea. Still as it is diſguſtful to the ſeamen, I lament when neceſſity throws it in their way. Yet were the reaſons for the cuſtom examined into, it is probable, the reſult would ſhew, that the diſlike ariſes from prejudice, more than any real cauſe. Men can but go through a certain portion of labour, and wherein is it eſſential, whether it is on board the Britannia or Victory? eſpecially if the officers, to whom the men are lent, are careful to treat them in the ſame manner, as the men immediately under their command. They have the ſame pay and proviſions in the one as in the other.

The companion you bring to heighten the idea of the ſeamen's hardſhip, between his caſe and that of a carpenter, ſailmaker, or caulker, is wide of your purpoſe. It is granted the ſeamen has "no additional pay, when on duty in another ſhip, and that the artificer has." But there is remarkable difference between them: The ſeamen are never lent, but to ſhips in ports at *home*, where the hardſhip, at moſt, can be but trifling: The artificers are never lent but to ſhips in ports or ſtations *aboard*, where difficulties cannot fail to be great, and where men, in the ſame way, cannot be procured: Captains then mutually aſſiſt each other, and the artificer is paid for the days he works. I call on you to furniſh a precedent of any allowance being given to either carpenter, ſailmaker, or caulker, for working in any other ſhip than their own, in any port of England. What I have ſaid is enough to ſhew, that in aſcribing this part of naval managment to

Lord

Lord Sandwich, you as far misplace your censure, as on every other occasion. All I aim at, is to put the saddle on the right horse. As to the practice itself, were it excuseable in the eye of reason, I would not pursue it against the prejudice of a seaman's mind, unless in a conjuncture where necessity and dispatch go hand in hand to require it.

It is now time to leave "the disgust which you say reigns in the hearts of the private men," to look into the sick ward of the officers, whom you represent "as pining with discontent, and sickening for want of just encouragement." But I have hardly patience to consult their disorder, as you say it arises from a report, that Lord Sandwich has said at the council board, "that to make officers serve well, is to keep them poor." It is a mean plea to excite the hatred you want to raise. Could you gain credit, that his lordship has really argued thus, I should not wonder to hear officers charge him "with want of generosity and liberality;" but since in throwing this out, you declare it to be "immaterial, whether it is true or not," I fancy he is in no danger of losing their regard. His policy was sufficient to guard him against the folly of such a piece of doctrine. I should as soon believe, that a person, who had acted for more than thirty years, as a master in Westminster-school, was not supposed to know the rules of Grammar. I cannot reconcile to myself, whether you are more absurd in propagating the report, or in the argument you have deduced to prove its truth, viz. "That he must have used the maxim, or he would have exerted his endeavours to have procured an addition to their present scandalous pay." I am sincerely of opinion his lordship never said or thought, as you have made him to do: At the same time I think, if he could see any probability of procuring an advance of the officers pay, he would most heartily put his shoulder to it. But why, Sir, is the "smallness of the pay," brought as a charge against Lord Sandwich? You could have no other meaning than the hopes of clamour; for it is saying no more, than that his lordship presides at the Admiralty, whilst the officers acting under his direction enjoy the same pay as for the last seventy years.

When a man is in correspondence with another, he wishes to find something agreeable in his correspondent; but really the remaining part of your letter is so much the reverse, it is with difficulty I maintain my resolution of continuing my remarks to the end. What can be more preposterous, than your reflections on the orders "forbidding the bearing of menial servants in guardships!" The restraint was earlier than Lord

Sandwich's

Sandwich's appointment: But that you make nothing of. You have convinced me that if prince George of Denmark had made an eſtabliſhment, whilſt he was lord high admiral, the practice of which it ſhould ſuit your purpoſe to condemn, you would have brought your bill of indictment againſt lord Sandwich as the author. Take back "the bluſh you would fix on his cheek, and place it on your own."

As you are ſo good in recording, I wonder you have omitted to notice an alteration made in the plan of the guardſhips. You may not have heard of it, or have you overlooked it, becauſe you abhor whatever has a tendency to approve Lord Sandwich's conduct? In either caſe you ought to be told that thoſe ſhips are now on a new footing; and that, by the alteration, the command is made worthy a gentleman to hold. I have before been ſurprized when officers of diſtinguiſhed rank and merit have ſolicited the command. The object is now of additional value, and this happens to fall on the very article of ſervants. From the following data you ſhall form your own calculation, how much the balance is in favour of the captain. Before Lord Sandwich's time, the captain of a guardſhip was allowed four ſervants, and then reſtrained from bearing menial ſervants; he now, ſubject to the ſame reſtriction, is allowed to bear fourteen. Is this a cauſe why "captains pine with diſcontent, and ſicken for want of juſt encouragement?" I wiſh every deſerving officer may be made ſick from a like cauſe.

The field you next open to his lordſhip's view, is a far more pleaſing one than you imagined. You will find "in his diſpoſal of the poſt of purſer to Admiralty clerks, and others who never ſaw ſalt water," that his practice will ſtand your teſt; and that he has been ſo far from following his predeceſſors in that particular, that I cannot learn he has copied them upon it in one inſtance.

Your inſinuations about the manner of employing the frigates, and about the marines, are in both too ſimple for my notice. The notion you entertain about the former, to uſe your own phraſe, "is frivolous and contemptible;" and on the latter I ſhould be ſilent, were it not for the ſatisfaction of ſhewing you have not raiſed a ſingle grievance capable of an impreſſion. On that account, I may preſume to ſuggeſt, that the motive for employing the preſent number of marines, is becauſe they bear the uſual proportion to the number of ſeamen voted by parliament. And as to your queſtion, about "the profits ariſing from their cloathing," I anſwer, that ſuch is the mode in the diſpoſal of the money granted for the marines, which is blended, and makes one ſum with that

 which

which is given for the ſeamen, it is not poſſible for an individual to put ſixpence into his pocket; of courſe "the ſhare to lord Sandwich, as firſt lord, upon the diviſion," cannot amount to as much as the pooreſt boon your honour would give to a beggar. A B.

REMARKS *on ſome Parts of* Nova Scotia, New England, *and* Rhode Iſland, *reſpecting Navigation &c.*

THE Harbour of Halifax is by its ſituation the fitteſt for the ſtationing of ſhips for the protection of Newfoundland, Canada, for any other of the nothern colonies, and is acceſſible at all ſeaſons of the year, and affords perfect ſecurity in all weathers.

As ſoon as a ſhip is out of the Harbour, and clear of the light houſe, ſhe is in the open ſea, and free from the dangers of banks, ſhoals, rocks &c. to the eaſtward, weſtward or ſouthward.

In coming on the coaſt, as cape Sambro projects further into the ſea than any other part, ſhips cannot be embayed. In caſe of winds blowing on the ſhore, they may ſtretch eaſtward or weſtward and either the one way or the other they may meet with large and ſecure harbours, with water for any ſhipi if they happen to miſs their port; there are 49 harbours for men of war on the coaſt of Nova Scotia.

All the Weſt India trade of France and Spain, and all other European powers who have property in the Weſt Indies in going from Europe to America ſtretch along the coaſt of Europe to the ſouthward untill they come into the trade-winds, which carry them to their reſpective ports in America but they can by no means return from thence in the ſame courſe, and are therefore obliged to ſtretch into the nothern latitudes above thirty, but commonly forty degrees or more, ſo that the whole trade of the Europeans with their wealth muſt paſs within 200 or 250 leagues of the port of Halifax. The advantage whereof in caſe of war is evident, becauſe from thence our own trade may be protected, and our enemies fleets annoyed. The port of Halifax lying ſo much to the eaſtward of the other north American ports, ſhips may ſail from thence in a direct courſe to any of the ports in the Weſt Indies: whereas from all the ports in the weſtward, ſhips bound to the windward Iſlands are obliged, while in the nothern latitudes, to come as far Eaſtward as Halifax to ſhape their courſe to the Weſt Indies: And unleſs they do this before they come into the trade winds they often loſe the port they are bound to, and are obliged to make ſome of the leeward Iſlands; therefore the port

of

of Halifax is much better situated than any other on the continent to favour any designs on the West Indies. There is a careening yard which has cost Government a very considerable sum, and is almost completed, and with little more expence there might be a dock.

If the packet boats from England were to be sent to Halifax, besides escaping the Privateers in time of war, the voyage would be made in much less time than to New York. From Halifax the packet might be carried cross the country to Anapolis (the distance of which is 140 miles, and the road already made, and only wanting repairs) and from thence to Casco-bay or Falmouth which is not more than sixty leagues, and may be performed in forty eight hours, and thence to Boston 118 miles on a post road. From Falmouth there is a post road through all the provinces: its distance from Quebec is about 200 miles. Expresses in the late war have been sent from thence to Quebec by the rivers Kennebec and Chaudiere in a few days, but from New York to Quebec is 620 miles.

The port of Falmouth in Casco Bay, and the bason of Anapolis, are open in the winter; the ports of Boston and and Portsmouth are often frozen for weeks together.

The harbour of Boston is of difficult entrance to a fifty gun ship without a good pilot through the narrows, and over the middle bank at high water. The harbour becomes more shallow every year, occasioned by the earth washed down by Charles River which passing through the harbour in winding Channels leaves its mud on the bank, and in the channel; therefore it has been thought that in time it will become a barr'd harbour.

The harbour of Boston is embayed at least twenty leagues, in which there is no other harbour for capital ships, and very indifferent ones for sloops of war. Fair winds for Boston constantly bring on such foul weather, that no ship can venture in with the land, particularly as Boston is so much embayed: and from the late discovery of Cashes Ledge, it is found to lie imemdiately before the port, so as to render navigation extremely dangerous with any wind. Indeed ships may be said to be embayed from Cape Sable to the shoals of St George's banks, for they must be out of that line, which is ninety leagues, before they can be said to be in the ocean; for after having passed Cape Cod to the southward lie Nantucket, and other shoals along to Georges bank, except a channel between George's bank and Nantucket shoals, which is seldom passed without a good pilot, and would be very dangerous to a capital ship.

On the North there is the dangerous coast of New England from Boston to Grand Mannan in the Bay of Fundy, where there is no safe harbour for capital ships, except Casco Bay; for though Portmouth in Piscataqua has a deep entrance, yet the tides are so rapid that no capital ship can ride there with safety. There is also the north west end of Nova Scotia to encounter with from Cape Sable to St. Mary's Bay, which is full of rocks and small islands, and shoals for sixteen leagues together; a situation very dangerous for a capital ship, when the rapid tides of the bay of Fundy are considered, pressing among the rocks and shoals, and often hurrying vessels ashore notwithstanding every effort; and is further to be remarked, that the foggs begin earlier and last longer here than on the other part of the coast of Nova Scotia.

Among many dangerous places in Massachusett's are the following.

Boon island, three leagues south east of Portsmouth, being a single rock, with breakers around it. The Isle of Shoals, about three leagues south by east from Portsmouth, with rocky and dangerous shoals. Salvages two leagues east from cape Ann, very fatal. About a league from Marblehead are several rocky islands and dangerous ledges. Near the entrance of Boston are the Graves, about a league from the light north east. These are dangerous, all shoals and rocks, and no passage betwen them and the light. About two miles south of the light are hardings, rocks, and two leagues further Conahasett rocks. For four or five leagues southward from the light, the coast rocky, and the ground foul, for the distance of a mile, which has been fatal to many ships. Further southward is Sandy Beach, and dead shore to Plymouth, where there are some inlets for small vessels, but no safety for large ships in a storm. All the coast from Boston to Rhode Island is so very dangerous, that a scheme was once formed for cutting a channel through cape Cod, to avoid the difficulties and dangers.

In regard to Rhode-Island, from thence to Point Moneock it is 15 leagues before a Vessel can get into the open sea.

On the east it is twenty leagues to clear the dangerous shoals of Nantucket. The navigation on the east side going from Nantucket shoals, is extremely dangerous; none but small vessels of one hundred tons can go through to Boston from Rhode-Island, Connecticut, or New-York, without taking a pilot.

Near Rhode-Island is Buzzard's Bay, full of shoals, rocks,

rocks, and ledges, and where veſſels bound to Rhode Iſland are often driven by ſtorms and loſt. It ſtands alone, without any other harbour where ſhips can ſhelter. From Point Judith, about two leagues diſtant from Rhode Iſland to the weſtward, there is no harbour all the way to New London, which is twenty leagues, but ſmall inlets for boats and veſſels made by the rivers which come from the country, and it is in general rocky and dangerous. The harbour for men of war, which lies between Goat Iſland and Connecticut is ſmall, and has a ſtraight opening to the ſea, from the S. W. it is often ſhut up in winter by the froſt, and the tides flow no higher than at Hallifax. The other harbour between Goat Iſland and the town of Newport is ſheltered, but is ſmall, and there is ſcarcely water ſufficient for a ſloop of war: this is alſo frequently froze up in the winter.

From Montock point along the whole coaſt of Long Iſland to New York, in ſhore, is full of ſand banks, and no harbour, and veſſels bound to New York and Rhode-Iſland are often ſtranded and loſt. This happens yearly. If veſſels are caught in a ſtorm, and cannot make the the port of Rhode Iaſlnd, they muſt ſtretch as far as New London, or be driven on ſhore.

To the Gentlemen Electors of the Town of St George, Grenada.

GENTLEMEN,

WHEN firſt I offered myſelf to your notice as a candidate to repreſent you in the next aſſembly, I acted, as my addreſs expreſsly marked, upon the preſumption that *legal* writs would be iſſued for the election of repreſentatives. I now, gentlemen, mean to decline ſtanding; and were I inſenſible to the favourable encouragement which I received from you, common reſpect for a body of men ſo honourable and independent would alone oblige me to aſſign you a reaſon for having changed my purpoſe.

I have, then, attentively peruſed, and very deliberately conſidered, the writs iſſued by his Excellency Governor Leyborne, and the proclamation therein referred to: And I do finally conceive, that the former are inſufficient for the purpoſe for which they are intended — that they are illegal, and will render all the proceedings of the aſſembly that may meet in conſequence of them null and void; and that the latter is from beginning to end, one continued, ſingular, and outrageous violation of the laws of England, of the conſtitution of this colony, and of the liberty of the ſubject.

I deliver

I deliver this, Gentlemen, merely as my opinion, in which I may perhaps ſtand ſingle, without adding proof, argument, or illuſtration in ſupport of it.

Were I impreſſed with different ſentiments, I ſhould continue to aſpire to what I hold the moſt elevated, honourable, and diſtinguiſhed ſituation, in which an inhabitant of this colony can be placed — that of the legal repreſentative of the town of St. George. — But thinking as I do, I cannot bring down my mind to ſolicit a mock election, nor conſent to make one of the *dramatis perſonæ* of a farce upon a ſubject of ſo much ſolemnity and importance, and at a ſeaſon ſo critical and melancholy.

It is, gentlemen, the duty of every man to uſe that ſhare of reaſon which hath been imparted to him for his guide and direction thro' life. Wiſdom will teach a man to deliberate before he reſolves; integrity will force him to abide by the conviction of his own mind. He, who acts againſt, or ſacrifices theſe great principles, commits a breach of a truſt repoſed in him by a power ſuperior to kings, princes, or governors. He who makes them the rule of his actions diſcharges his firſt obligation, and ſhould be applauded. The laſt may ſometimes err; and when he does, he hath a claim to tenderneſs and pity: But he can never juſtly incur cenſure; and ſhould he experience it, he will ſtill have the ſatisfaction left to know and to feel that it came unmerited.

I have the honour to be,
With very ſincere reſpect,
Gentlemen,
Your faithful and obedient ſervant,

Mount-Melvill, ARTHUR PIGGOTT.
21ſt. *Jan.* 1772.

To the gentlemen freeholders of the town of St. George.

GENTLEMEN,

ACCORDING to the beſt and moſt impartial judgment we are able to form, the preſent writs for the election of an aſſembly for this iſland are wholly illegal, becauſe they allow of the choice of Roman Catholics to be members of the ſame, which is equally contrary to the laws of Great-Britain, and to the eſtabliſhed conſtitution of this colony. For theſe reaſons, gentlemen, although to our great regret we muſt decline, on the preſent occaſion, ſoliciting the honour we had hoped for of being your repreſentatives for this place, we return our humble thanks to thoſe gentlemen who had encouraged us to hope for their favour, and aſſure them, on every future opportunity that may offer, of our hearty

hearty zeal for their interests, and that our utmost endeavours shall be used, in every legal way, to restore to them all those liberties and privileges they are entitled to by their birth-right, and by the laws of their country.

We are, Gentlemen,
Your most obedient,
And most humble servants,
ISRAEL WILKES,
ALEX. SYMPSON,
JOHN LESSLY.

St George,
Jan. 29, 1772.

An authentic account of the great debate in the House of Commons, concerning East India affairs.

MR Sullivan moved the house for leave to bring in a bill, for the better regulation of the company's servants and concerns in India, and declared that it had two objects, that of restraining the governor and council from all trade; and that of establishing a proper mode of administering justice, by extending the authority of the court of justice at Calcutta over all Bengal. The motion being seconded, Mr. Cornwall opposed it as improper, without a previous enquiry into the state of facts, on which, as grounds, the act that was to give the company a new charter, might be grounded. Mr. Rumbold then made a speech, in which he endeavoured to exculpate the company's servants, and to paint the situation of Bengal in a very favourable light; declaring that, as an innocent man, he wished for an enquiry, that those who were unjustly traduced, might be distinguished from the persons really guilty.

The following is lord Clive's speech in defence of himself, and upon the present state of the East-India Company.

Mr. Speaker,

The press has, for some time past, teemed with so many reflections upon the servants of the East-India Company, and particularly upon me, that, were I not first to remove the bad impressions thus made, I am afraid, any observations I could make upon the present subject of your deliberations, would have little or no effect, except perhaps to my own prejudice. My situation is delicate, and little accustomed as I am to address this august house, I may sink under its difficulties; but as my honour is concerned, as necessity extorts it from me, I must run the hazard, however much I fail in the attempt. It is not that I have any doubts of the goodness of my cause; on the contrary, I hope it will make me full amends for the insufficiency of the advocate. At any rate, the house will show some indulgence to a man, pleading for what

what is dearer than life itself, his reputation and honest fame: Nor do I wish that my defence should be solely confined to these walls; I speak likewise to the gallery, and, in general, to my country, upon whom I put myself, not only without reluctance, but with alacrity.

It is well known, that the last time I went to India, I was called upon by the proprietary in general, without any solicitation on my part, to step forth once more to their assistance, in a very critical emergence. Possessed as I was not only of an independent, but of an affluent fortune, happy in my connections, happy in my relations, happy in my family, happy in my friends, happy in every thing but my health, which I lost in the company's service, never to be regained, how can I be supposed to have undertaken the arduous task imposed upon me by the company from pecuniary motives? I must have been the most mercenary of men, to have, upon such principles, again tempted the faithless deep, to have again exposed my enfeebled constitution to the sultry climate of Hindostan, and to the fatigues and dangers of war. Sir, I undertook this voyage from a nobler view, from a principle of gratitude, from the desire of doing essential service to the company, under whose auspices I acquired my fortune and my fame. Were not this the case, would I have embarked in this affair, upon conditions that left me poorer by many thousand pounds, than when I quitted England? This, if necessary, I can prove by authentic documents; and, I trust, it will at least exempt me from the charge of avarice or rapacity.

Suffer me, after this general observation, to descend to particulars. The charges brought against me are contained in a paper, which was sent me by the secretary of the East-India Company in a letter, * that begged I would transmit to him any remarks, or any defence I chose to make. I begged to be excused from that trouble, till I should learn what use they meant to make of the paper and of my defence. Here the matter rested.

The first charge is, that I carried on an iniquitous trade in cotton. I answer, that in the first place I never traded, and that I derive every farthing I am worth in the world from being at the head of the army. In the second place I declare, that I know nothing at all of the nature of cotton, and that I cannot conceive whence such a suspicion could arise, as I never was directly nor indirectly concerned in any thing of the kind. One remark, however, naturally occurs upon the subject, and that is, that malevolence must have been

* Here he read the secretary's letter, and his own answer.

been greatly ſtraitened for materials, when ſhe placed ſo groundleſs an accuſation at the head of her impeachment. The feeblenefs of her firſt effort is a preſumption that her ſucceeding attacks will be ſtill weaker and worſe ſupported.

The ſecond charge is, that I carried on an illegal trade in diamonds. Nothing can be a greater miſrepreſentation. The matter of fact is, that, in order to convey home the money ariſing from my jagheer, I ſent my agents to a diſtant country, not under the juriſdiction of the company, and they bought up ſome diamonds, in which my property was veſted and tranſmitted to Europe. Upon ballancing accounts, I found that they turned out worſe by three per cent. than the original ſum which they coſt; a clear proof how well I was qualified for trade, and how eager I muſt in conſequence have been in future time to reſume ſo gainful a branch of buſineſs. All this, if it ſhould be called for by the houſe, and I have no objection to ſuch a meaſure, I pledge myſelf to prove by original papers at your bar.

The third charge is, that I miſmanaged the mint, and adulterated the coin in Bengal. During my preſidency, ſome alteration was made in the ſtate of the coin, I will own, but not at my inſtigation. Ignorant as I profeſs myſelf of that buſineſs, it would have ill become me to have been the original contriver of ſuch a delicate operation of government. In that affair I was guided by the lights of others, whoſe particular employment and ſtudy might rationally be ſuppoſed to have made them maſters of the ſubject.

The fourth charge is, that I was guilty of monopolizing beetle-nut, ſalt and tobacco. Here, I believe, the ſtrength of the accuſation of my adverſaries lies; and, as I myſelf think it a matter of importance, I muſt beg the indulgence of the houſe, while I diſcuſs it at large. They will hence ſee the ſuperiority of my plan over that of the direction. I know not how it is, but either through obſtinacy or ignorance, the gentlemen who have held the reins of government in Leadenhall, have acted ſo imprudent, ſo inconſiſtent a part, that they have deranged and fruſtrated the beſt concerted plans of regulation in Bengal. This I hope to make appear under this and other heads of my ſpeech. It is urged, as my greateſt and firſt crime, that I acted in diametrical oppoſition to the inſtructions received from the direction. Here are theſe inſtructions; it would be idle to read them all. The only paragraph deſerving your attention is this; "You ſhall take from the company's ſervants the excluſive privilege of trading in beetle-nut, ſalt and tobacco, and ſettle it upon the footing

the moſt equitable to the natives, and the moſt profitable to the company you can deviſe." From theſe words it will, I think, appear, that my inſtructions were not ſo preciſe and definite, as abſolutely to fix the mode of carrying on this trade. Being general, I gave them a liberal conſtruction, making the intereſt of the company the ſole ſtandard by which every regulation was to be tried. Inveſted with extraordinary powers, I thought myſelf juſtified in conſulting the ſpirit of thoſe rules which were ſo indefinitely expreſſed; and, I truſt, I did not altogether diſappoint the expectation of my employers. The privilege of trading in ſalt was claimed by the ſervants of the company, as a neceſſary addition to their ſalary, which, every body knows, to be totally inſufficient for their ſupport. The appointments of a counſellor is only three hundred pounds, and his annual expences cannot fall ſhort of three thouſand: the ſame proportion holds among the other ſervants. Hence, while Mr. Vanſittart was preſident, they ſet up for the firſt time this claim. Suja Dowla ſaw clearly, that if the company's ſervants were to carry on this trade free of every impoſt and reſtraint, while the native merchant paid large ſums, the latter would be totally ruined, and his revenues from that article would dwindle to nothing. He therefore inſiſted upon the ceſſation of this privilege, elſe that he would throw the trade quite open. The company's ſervants declared that they would trade as formerly, without any reſtriction. Hence the war that followed, hence the origin of a ſelect committee. Beſides this grievance, there was another to be redreſſed. From time immemorial it has been a cuſtom to give and take preſents. An inferior can hardly be perſuaded to approach a ſuperior without a gift; the habit of deſpotiſm has formed their minds to this mode of tranſacting buſineſs. Accordingly, when the company's ſervants became the acting ſovereigns of Bengal, and the channels through which favours paſſed, they received preſents, and thus indemnified themſelves for the ſmallneſs of their ſalaries. The company thought that this practice had introduced many abuſes; and therefore ſent out covenants, which were to be ſigned by all their ſervants, and were to exclude them for ever after from accepting any preſents by direct or indirect means. Thus deprived of their two main ſtays at once, of the ſalt trade and of preſents, how were they to be ſupported? I ſaw and felt that ſome plan muſt be adopted; and none preſented itſelf that ſeemed more effectual, or leſs expenſive to the company, than the appropriation of the money raiſed by the trade in beetle-nut, ſalt and tobacco, put under proper regulations. In purſuance of

this

this idea, I eſtabliſhed this monopoly, for a monopoly it undoubtedly was; and I fixed the cuſtoms and the prices which it was to pay in the different parts of Bengal, as far as human foreſight and regulation could go. Nor does it appear to me that the meaſure proved oppreſſive. Suppoſe the inhabitants of Bengal to be fifteen millions, according to the general calculation; the quantity of maunds of ſalt ſold is known from the money which they produced, and from the books of the monopoly. At Calcutta the maund of ſalt ſold at one price, at Patna at another, and at Mongheer at another, increaſing in its price the farther it was carried up the river, or into the country. After a due allowance for every circumſtance, I find that at a medium each perſon did not pay in the courſe of the whole year, above one and ninepence for ſalt, an equal quantity being allowed to every individual. Now can this ſum be thought exceſſive, in a country where a labourer's wages amount to ſix ſhillings a week, where almoſt no cloaths are worn, where no ſtrong liquors are drank, where rice and milk, the ſober food of the inhabitants, are comparatively cheap? The idea is abſurd. Believe me, the monopoly did not bear hard upon the people, but upon the merchants. Thouſands and thouſands of them were thrown out of trade, and reduced to diſtreſs; nor do I deny that the country agents exacted unreaſonable profits, and enhanced the price of the commodity. Of that abuſe the ſelect committee was entirely guiltleſs; the duties eſtabliſhed by them were moderate and reaſonable. Inſtead of adhering to this plan, what did the direction do? they reſtored the trade to the natives, and continued the duties without collecting them. Had this object been properly attended to, the Treaſury would have been this day a million and a half the richer; for that is the ſum to which at a medium that revenue would now have amounted. But the gentlemen have been too much employed in ſecuring an intereſt among the proprietors, to regard ſo trifling a conſideration. Of this monopoly, I, as governor, had a ſhare, and the reſt of the ſervants their due proportion. But how did I diſpoſe of my ſhare? I diſtributed it among men of merit, men who deſerved well of me and their country. Three gentlemen I carried out with me, promiſing to make proviſion for them. One of them, Mr. Maſkelyne, my ſecretary, was the companion of my youth, the companion of my toils and dangers. We both ſerved on the coaſt, we were both taken together, we both made our eſcape, we both fought under Boſcawen at the ſiege of Pondicherry. Ill health obliged him to return home, and to relinquiſh all his

prospects. When fortune had proved so kind to my endeavours, I thought it my duty to assist him out of my affluence. I did so; but something more seemed to be wanting. He attended me to Hindostan; and the whole of the thirty-two thousand pounds accruing to me from the monopoly of beetle-nut, salt, and tobacco, was shared between him, the other gentleman, and my surgeon, who left seven hundred pounds a year to serve me; and I do not think them too amply rewarded. Upon the whole, I disbursed, you see, five thousand pounds more than I received; and all this I did, that I might not be taxed with partiality, in order to advance my friends over the heads of other men. Nor is this all, that I resigned. If ever Mussulman loved a Christian, Meer Jaffier had a sincere affection for me. Finding himself near his end, he called his ministers. and in their presence declared, that as a mark of his attachment, he bequeathed seventy thousand pounds to colonel Clive. This sum I might have retained as my legal right, as I have been advised by the honourable speaker, and by another personage, no less honourable, that does not sit in this House. This I formed into a fund for the support of officers, and disbanded and disabled soldiers: an establishment, by which they will now be enabled to return into their own country, and to live as comfortably as if they were pensioners of Chelsea-Hospital. This institution was the only thing wanted to put the military of the East-India Company upon a respectable footing, and to remove gloomy prospects from the mind of the old worn-out soldier.

Before I enter on the direct discussion of the present state of the East India company, permit me to make a short apology for their servants. Now-a-days every youth possessed of any interest, endeavours to go out as a writer to the company. No matter how ill qualified he is by education, writing and cyphering are thought sufficient. The same talents which were deemed necessary when the company was only a trading body, are required now that they have become sovereigns of an empire as large as all Europe. The same hands that flourished a pen, are held capable of swaying a sceptre; and accordingly, no questions are proposed at their examination, but "can you cypher, can you write and keep accounts?" A specimen of their penmanship is produced, together with a certificate from some writing-master, that they have under him learned the true art of book-keeping, after the Italian manner. Nothing farther is wanting; they are put upon the list. Being equipt, they receive their lesson from friends and relations

lations. My dear boy, ſays the father, I have done my part; I have ſet you in the way of fortune, and it will be your own fault if you are not a made man. See what a fortune has been made by this lord, and that lord, by Mr. ſuch-a-one and ſuch-a-one; what hinders you to be as ſucceſsful? Thus are their paſſions enflamed, and their principles corrupted, before they leave their native country. What is the conſequence of their landing in Bengal? One of theſe raw boys walks out into the ſtreets of Calcutta, for his income will not allow him to ride. He ſees writers who are not greatly his ſeniors, marching in ſtate on fine prancing horſes, or carried along at their eaſe in a palanquin. He comes home and tells his banyan what a figure his acquaintance made. And what hinders you to equal him in ſplendor, returns the banyan? I have money enough, and you have nothing to do but to receive, for you need not aſk. Well, money is advanced by the generous muſſelman, the youth takes the bait, he has his horſes, his coach, his palanquin, his haram; and while in purſuit of one fortune, ſpends three. But how is the banyan in the mean time indemnified? Under the ſanction of the young man, who is riſing in the ſtate, and making a quick progreſs towards a ſeat in council, he riſes likewiſe, and commits various oppreſſions with impunity, the practice being ſo general, as to afford him perfect ſecurity. I can aſſure you, that native Britons are not the perſons that directly oppreſs, but the Indians who take ſhelter under them, and who have paved their way to all exemption from controul, by pecuniary obligations. Human nature is frail, and the deſire of wealth is as ſtrong a paſſion as ambition. Where then is the wonder that men ſhould ſink under the temptations to which they are here expoſed? Fleſh and blood cannot reſiſt them. An Indian comes to you with his bag of ſilver, and entreats you to accept of it as a preſent. If your virtue be proof againſt this trial, he comes next day with the ſame bag filled with gold. Should your ſtoiſm ſtill continue, he returns with it ſtuffed with diamonds; and if, for fear of detection, you refuſe even this temptation, he diſplays his bales of merchandize, a trap into which a trader readily falls. He takes them at a low price, and ſends them to a diſtant market, where he gains 500 per cent. Hence a new plunderer is let looſe upon the ſociety; but he is a plunderer whom we owe to the badneſs of our own regulations. The ſervants of the company yield only becauſe they are men; preſents are ſo common and ſo prevailing in India, that it is almoſt impoſſible not to be carried along by the torrent. Meer Jaffier told me, that in the

courſe

course of a year he received three hundred thousand pounds in this way, and I might have received as much while governor: Judge then how difficult it is for men of common minds to return with unpolluted hands.

Now let us turn our attention to the state of the company. Hindostan, and Bengal in particular, has been from time immemorial the centre of commerce and wealth. The people are numerous and industrious, the soil is fertile and well cultivated, and the sobriety of the inhabitants makes riches flow in from all quarters. Nature has been upon the whole so bountiful to this part of the world, that it is in want of nothing, but has many superfluities, and may accordingly be called with propriety the terrestrial paradise. Hence it it has been the object of men's desires in all ages, and they have in general no sooner desired than they obtained. The inhabitants unnerved by the climate, and other causes, are a constant prey to invaders; at present the struggle seems to be between us and the French, for I can by no means persuade myself that ambitious nation has dropt the designs which it was evidently meditating some years ago. For what purpose were ten thousand men kept at Mauritius, if no scheme of conquest was laid? I am satisfied that they have not yet abjured this plan. They will employ their troops in firmly establishing their new colony at Madagascar, and, when the critical moment comes, they will pour them into Hindostan, and wrest the whole out of our hands: and believe me, if they once conquer Bengal, the rest of the Mogul's empire will follow, and nothing will contribute so much as that event to their acquisition of universal monarchy. These considerations did not escape my attention more than a twelvemonth ago, and ever anxious for the welfare of the company, with whose interest I knew that of my country to be interwoven, I submitted a plan of defence to the inspection of the minister, but I have hitherto found it attended with no good effect. The East Indies, notwithstanding all their importance, were left to the protection of chance. This leads me to consider the causes of the present bad state of the East-India Company. In my opinion, this is owing to four causes, to the negligence of administration, to the misconduct of the direction, to the outrageous behaviour of general courts, and to the disobedience of the company's servants in the East-Indies. Administration, instead of establishing a general plan of permanent government, seems, like the directors and the company's servants, to have had nothing in view but the loaves and fishes. When this business came before parliament some years ago, the

the queſtion was not how to ſecure ſo beneficial a trade, and ſo great an empire for a perpetuity, but to make an immediate dividend of 400 hundred thouſand pounds to one party and two hundred thouſand to another. In ſhort the loaves and fiſhes were the only conſideration. The directors by no means purſued the vigorous plan chalked out by me. They ſuddenly ſtopped proſecutions, reſtored the ſuſpended, and undid every thing that had been done; and yet by this bill they are willing to diſable themſelves from ever withdrawing proſecutions for the future; a clear proof that they are ſenſible of their own miſconduct in that particular. Nor is this the only point in which they have confeſſedly erred. They have been ſo eager to ſecure their annual election, that the firſt half of the year has been conſumed in freeing themſelves from the obligations contracted by their laſt election, and the ſecond half has been waſted in incurring new obligations and forming an intereſt among the proprietors. But, in ſpite of all theſe manœuvres, the direction has been ſo fluctuating and unſettled, that freſh and contradictory orders have been ſent out with every fleet. Hence the ſervants in Bengal are in ſome meaſure excuſeable, if they have ſometimes ventured to follow their own opinion in oppoſition to that of the directors. The governor and council certainly underſtood the intereſt of the company in Bengal much better than the Direction. The proprietors, however, have nobody but themſelves to charge with the evil conſequences. Had they been leſs fickle and abſurd, their concerns would have been much more conſiſtently and uniformly managed. The malverſation of their ſervants may be juſtly charged upon the fluctuation of their own councils. Had they not concurred in reſtoring ſuſpended and proſecuted men, the governor and council would never have deliberated whether they ſhould obey or not the orders of the direction. Fundamental principles being once overturned, the whole ſyſtem tumbles to the ground. Such in my opinion are the cauſes of the preſent bad ſtate of the company. That it is bad I can clearly prove; and it is in vain that the Directors, in order to palliate their own miſconduct, endeavour to ſet a gloſs upon the matter. The Directors do not poſſeſs a ſtate of the revenues of Bengal for the laſt year; but I do, having received it a few days ago, from a member in council: * and the clear net revenue amounts for 1771, only to 171 thouſand pounds. Now government is to receive 400 thouſand

* Here he gave an account of the revenues of Bengall, from 1761 to 1772, from a paper in his hand, which he offered to lay before the houſe.

thouſand pounds, and the proprietors 200 thouſand; and all this is to proceed from the revenues of Bengal. What a falling off is here! and yet you ſee that the revenue has not greatly decreaſed. The net ſum, that came into the treaſury was greateſt during my preſidency. Since that period the expences of the military eſtabliſhment, as it is called by themſelves, has gradually encreaſed till now it amounts to the enormous ſum of one million eight hundred thouſand pounds per annum. The power of receiving preſents and the privilege of free trade in beetle-nut, ſalt and tobacco being taken away, the company's ſervants have found out the way of making fortunes by charging exorbitantly in all contracts for furniſhing the troops with proviſions and other neceſſaries, and hence it is that the revenues fall ſhort, and do not come into the treaſury, tho' the ſum levied does not fall greatly ſhort of four millions. To me it is evident that the great decreaſe of the revenue is owing to this cauſe, and to the ſupineneſs and indolence of the governors who ſucceeded me. Had they followed my plan with vigour, the country would ſtill have flouriſhed, and this kingdom might have received an annual advantage of a million and a half. Mr. Verelſt was, after the matureſt conſideration, the propereſt perſon I could pitch upon as my ſucceſſor, though I had ſome ominous feelings of what would happen; but not without a previous proteſt againſt all weak lenity, as you will find from the extract of a letter ſent by me to Mr. Verelſt, before I embarked for Europe. † Hence you will perceive that I augured almoſt all the evils that have enſued. Having detained you ſo long, and exhauſted, I fear your patience, let me conclude by obſerving, that Bengal is the brighteſt jewel in the Britiſh crown, though at preſent in a rude and unpoliſhed ſtate; that if it be once properly improved and burniſhed, it will eclipſe every thing of the kind that has been yet ſeen in the world; but that if it be once ſuffered to drop out and be loſt, the crown will loſe half its ſplendor and dignity.

† Here he read the extract, which has appeared ſome time ago.

N. B. The noble lord in the courſe of this ſpeech, of which we have given every material circumſtance, read ſeveral extracts of letters and other papers, that we had not room to inſert.

GOVERNOR

GOVERNOR JOHNSTONE's Speech, in anſwer to LORD CLIVE.

Mr. Speaker,

I AM clearly of opinion againſt giving leave for bringing in this bill before we have gone through a previous examination of facts to enable us to form a proper judgment. It is not upon ſuch knowledge as may be acquired from looſe, irregular, unconnected, bold aſſertions, or from partial, ſtudied calculations on paper, thrown together to deceive and miſlead, and merely read by a particular member in his place, where human genius cannot follow the numbers, ſo as to diſcover or detect any fraud, that this houſe ought to proceed in a matter of ſuch moment: but from evidence ſolemnly brought to your bar, and authentic papers laid on your table whereby truth and falſehood may be compared. The many contradictory accounts we have heard from different ſides of the Houſe, ſhould induce us to this rational ſtep. Except the gentlemen who moved and ſeconded this queſtion, every one who has ſpoken hitherto has called for an enquiry: even thoſe whoſe conduct may be ſuppoſed to be moſt effected by ſuch a proceeding, have been loudeſt in the demand: and yet from a languor I perceive in certain parts of the Houſe whoſe ſpirit can alone rouze this Aſſembly, and from certain whiſpers that have gone abroad, I believe this great national queſtion under certain compromiſes and coalitions will be ſlurred over like many other ſubjects, regardleſs of the honour of the nation, and the cries of human nature.

* An honourable gentleman on the other ſide has told you there are no evils exiſting in the government of Bengal, that cities are encreaſing to double their ſize, inhabitants multiplying, and new improvements in land every where throughout the provinces; and this he has ſtated in contradiction to a paragraph from a reſpectable author, Colonel Dow, who tells you that five millions of people have been deſtroyed or fled from the country. The Honourable Member has ſaid "he formerly knew Colonel Dow, and that he believed him to be a man of honour; but pique and reſentment for the diſappointments which he ſuffered, in conſequence of his part in the aſſociation of 1766 has induced him to exaggerate circumſtances, and place every thing in an unfavourable light."

I have the pleaſure of knowing Colonel Dow in a very intimate degree at this moment: I too believe him to be a man of ſtrict honour, and all the world will allow he is a man of

* Mr. Rumbold.

extraordinary disquisitive powers. As this very passage exceeded all the accounts of distress which I had heard concerning the country, I asked the Colonel respecting it—he allowed there was some ambiguity in the expression as to the time when his calculation begun and ended—but that he meant to include all the miseries of the famine to the last dispatches, and in this sense he was capable of shewing sufficient foundation for the facts he had asserted; but let Colonel Dow's or the Honourable Gentleman's account be true, it behoves the Legislature to enquire; nor can we ever be vindicated in shutting our doors against regular information after such assertions from an Officer of high rank and character, in a work to which he has affixed his name, and dedicated to his Sovereign.

A ‡ Noble Lord on this side the House has admitted such miseries and mismanagement in the affairs of Bengal since he left that country, that every man of fore-thought must be alarmed with the approach of sudden bankruptcy. His Lordship has indeed imputed them to other causes, but still the grievances exist, and whether in the Directors at home or the Contractors abroad, it is equally our duty to enquire.

The Noble Lord has made a great impression on the House, by entering into a long refutation of charges that had been sent him by the Court of Directors, the mutilated titles of which charges he has barely read. As I have had an opportunity of seeing those charges as well as the Noble Lord, and as the answers he has given to them after all possible preparation rather confirm than lessen my idea of his guilt, I beg leave to be indulged in a few words by way of reply to each.

The Noble Lord sets out with two articles which have been transmitted to him from the Court of Directors, as the first and second heads of charges exhibited against him. It is needless for his Lordship to furnish me with instances of the clumsy manner in which business is transacted at the East India House; and yet there is something so very extraordinary in this, that I am apt to impute it to design rather than ignorance. His Lordship plumes himself extremely in refuting those charges. As to the first, says he, "I never dealt in cotton in all my life, I know no more of cotton than the Pope of Rome, nor indeed, properly speaking, did I ever trade. My fortune was obtained at the head of an army. Respecting the second, I did send to distant provinces to purchase diamonds, for the purpose of remitting my jaghire to

‡ Lord Clive.

England,

England, there being no other lawful way of remitting my money at that time, as the Company's cash was then full. But after regularly paying the duties for the diamonds here in England I lost three per cent. by the adventure." Now really it is sufficient to astonish the House and occasion their giving very little attention to any other charges, when the first and second are so easily answered. But I hope the wonder will be removed, and their attention recalled, when I acquaint them, there are no such articles stated as charges against his Lordship. The charge of monopolizing cotton and forcing it on the Zemindars is expresly confined to the Council, excepting some particular members. The monopoly of diamonds is not stated as a charge but as a fact to illustrate another point.

I come now to the real articles of charge, and I submit to the recollection of the House how far his Lordship has answered them to the understanding of any man of sense. The first article of charge, as his Lordship has stated them, is monopolizing of salt, beetel nut, and tobacco, contrary to the repeated orders of the Court of Directors, and in contradiction to his solemn engagements in that behalf. Has not his Lordship confessed a monopoly of those articles in the most rigid degree? Has he not allowed he held 5-56th shares? Has he not pretended to amuse you with calculations of the most cruel and fallacious kind, stating how much he extracted from each individual on the article of salt, without including the other commodities? Has he not told you those men, wearing few cloaths, and having only mean habitations, and not being addicted to the use of spirituous liquors, were well able to pay the 2s. 3d. demanded, and therefore fit instruments to be squeezed in his engines of oppression. What man, who has considered the subject of taxation, can be so ignorant as not to know that every species of general extortion or oppression may be vindicated by such arguments? Can any man say, after duties and enhanced prices are long laid on any commodity, that the encreased extortion falls equally on every member of the community, much less on the first establishment of such impositions? But the mere sum taken is not the evil, as might be shown by the difference of taxation in free and arbitrary countries. It is the wicked principle of such regulations, contrary to the law of nature, that destroys human industry, checks the incitements to labour, and produces famine and all other evil consequences that have followed in Bengal. But here too I must remark that the title of this article of charge, as delivered to the Court of Directors, respecting many other Gentlemen as well as his Lordship,

ship, is not for monopolizing ſalt, beetel-nut, and tobacco, which produced the late famine, but for monopolizing ſalt, beetel-nut, tobacco, and *other commodities*, which produced the late famine. His Lordſhip has acknowledged the effects of his regulation was that of ſetting thouſands and thouſands of merchants adrift who uſed to deal in thoſe commodities.—Can there be ſo complete a confeſſion of the horrid conſequences of his regulation before a ſenſible body of men? Thouſands and thouſands of merchants thrown looſe in any community will convulſe the ſtate to the very centre. But, ſays his Lordſhip, "I acknowledge the firſt regulations on the inſtitution of this monopoly, which were drawn by Mr. Sumner in my abſence, were defective, and I received many complaints up the country againſt them, but in the next year I corrected all theſe miſtakes, and laid on fifty per cent. additional duty, directing the commodities to be ſold at the different places at diſtinct prices, and in caſe it had not been for the frauds practiſed by the Banyans, and the diſobedience of orders in the agents for the committee, there could have been no complaints." Without taking notice that his Lordſhip had no authority for laying on any duties whatſoever, who does not ſee that ſuch a ridiculous ſcheme of fixing ſtated prices on the neceſſaries of life throughout the provinces, without its being poſſible at all times to proportion the quantity and demand, was liable to every ſpecies of impoſition that followed? and nothing leſs than a total ignorance of the ſubject could make a man complain of the conſequences.

His Lordſhip has gone into a digreſſion to miſlead the Houſe on the manner in which this trade was formerly carried on, to vindicate himſelf for impoſing ſuch high duties: and this is a miſtake I have met with from many ſenſible men in diſcourſing concerning Eaſt India affairs.—The revenues of the ſtate are not collected in India, by duties and commodities, as in Europe. The amount of the higheſt duties that were ever collected on ſalt in Bengal was 72,000*l.* a year: the general medium was 40,000*l.* The reſt were exactions at the different chokeys. Cogee Wazeed farmed the whole at 32,000*l.* a year, in the time of Alle Verde Cawn; and a worthy governor, who is ſince loſt, confeſſed to me in a public aſſembly, that the diſputes with Coſſim Ally Cawn on theſe articles, were fairly contentions for authority, and not of pecuniary conſideration. The aſſumed diſtinction of exports and imports, in explaining the firmaund, are ridiculous in themſelves, and never could be applicable to ſalt, even according to that aſſumed diſtinction, ſince ſalt has ever been both an export and import.

And

And therefore there is not the least argument to be drawn from those facts which can vindicate his Lordship's regulations.

We come now to the contumacious disobedience of orders —His Lordship tells us of the extreme ignorance of the Court of Directors, in excuse for disregarding their positive commands, which had been formerly laid before the legislature.

With regard to the wisdom of the Court of Directors, I will not enter into a dispute with his Lordship on that article at present, but leave those Gentlemen to vindicate themselves. However, I must observe, whether ignorant or intelligent, they were his superiors whom he was bound to obey by every tie of honour and duty; and where so much profit accrued, by a contrary conduct, men will be apt to impute his disobedience to other motives. I must further remark, the orders of 1766, which were so peremptory on this head, and seem to give so much offence to his Lordship, as leaving him no defence, except in the ignorance of his masters, were all wrote by one whom he always treated as his most intimate friend, and signed by others whom I cannot call his friends, indeed, but his most servile tools in office. If this plea of the ignorance of the Directors is to be admitted as an excuse for such wilful disobedience of their orders, what establishment can be secure?

How is it possible to deny the same justification to every other person, or to punish any other man for this offence, upon which the welfare of so many millions depend; but this was not a common disobedience of orders on a single point, liable to be mooted, but a pertinacious, interested resistance, from year to year, under solemn deeds and large penalties. His Lordship has stated, in his farewell letter to Mr. Verelst, (which, by the bye, I think the most arbitrary composition that ever was read in a free assembly) that disobedience to orders he considers as the greatest legal crime. Will then his Lordship apply the law he left to others, for a moment, to himself? or is he to be exempted from those rules, by which the rest of mankind are to be judged? His Lordship has alledged, that many of the extracts of the letters referred to in the charges against him, prohibiting the trade in salt, beetel-nut, and tobacco, were wrote with references to other men, but he forgets to mention, that the letter of the 19th of February, 1765, which was wrote nine months after he left England, confirms all those orders of prohibition, and has these remarkable words: "Whatever government may be established, or whatever unforeseen occurrences

may

may arise, it is our resolution to prohibit, and we do absolutely forbid this trade of salt, beetel-nut, and tobacco. And moreover, we shall deem every European concerned therein, directly or indirectly, guilty of a breach of his covenants;"—and it is further to be remembered, that this very letter was received, and was the occasion of the extraordinary deed of disobedience, which has made so much noise in the world.

Whatever excuses may be made, the wilful interested disobedience of orders is clear.

The next point to be considered, is the profits derived from this conduct: His Lordship does not deny the large sums he acquired, but he tells you of a Mr. Maskeline, who had gone through all stations of life with him—through Anters vast, and desarts wild, to whom he gave 13,000*l.* to Mr. Streachy (whose merit I am glad to acknowledge, as praised by all parties) 15,000*l.* to Mr. Ingham 12,000*l.* to Mr. Philpot, his footman, 2,000*l.* besides 2,000*l.* which he formerly received as stated in an account of a similar nature to this, on the Company's books. Now, really, I can hardly conceive a plainer confession of the fact charged. His Lordship acknowledges the receipt of the money, contrary to his engagements, and in defiance of public orders; but he insists that having subsequently distributed it among his friends and servants, that he has been guilty of no breach of his promise or his duty.—As this is a new species of defence, I shall be glad to hear the reception it meets with from the public. It would be a strange plea in a Court of Justice; besides, how is it possible to detect any man with such a powerful screen? For, suppose we should prove 50,000*l.* more to-morrow, it is only making another transfer, and all is clear; for, it must be remembered, as I said before, there is one account balanced, of a similar nature to this on the Company's records already, and his Lordship acknowledges the subsequent 48000*l.* had never been stated to the Directors.—Upon the whole, it is clear his Lordship has acknowledged the establishing the severest monopolies on the necessaries of life, and the money he received by it. There can be few Members, who require a dissertation to explain the dangerous consequences of a monopoly; or who will deign to enquire in what proportion he distributed the profits among his friends and dependants.

The next charge his Lordship stands accused of, is, the introducing a fraudulent coinage. The answer he makes to this is short: "I did establish a new gold currency, but I know nothing of the mixture of metals. However, I am ready to declare before God, as I now do at this moment, that

that I reaped not a shilling profit by it." Taking this defence as his Lordship has stated it, though I always understood he had a certain per centage on all coinage, what does the whole amount to? A strange confession for a man at the head of an empire, held by a trading Company; not less than if a person should declare, I know nothing of anatomy, and yet I am ready and willing at any time you please, to open a principal artery. If the patient should die under such an operation, could the Doctor stand wholly acquitted? Do not all men know, that the purity of coin is a principal consideration in government, and that it is of the most dangerous consequences tampering with it by any fraudulent mixtures. —Will the noble Lord alledge, that the private principles of the coinage did not admit of eight per cent. allay above the current standard? Will he deny, that in the progress of the frauds, it was coined with thirty per cent. allay? Will he deny, that in two years from its establishment, the once flourishing kingdom of Bengal, could not exchange one hundred gold mhors at the presidency? Will he deny, that the Company lost 300,000*l.* by the project? I shall believe, from his Lordship's word, that he made no profit of the great opportunity that occurred, but that he left this likewise to his friends, and yet I can hardly admit, after such recent instances of his ability, that he is so entirely ignorant of the mixture of metals, as his modesty would incline the House to believe.

The last article of accusation, which his Lordship has touched upon, is peculation of revenues, or the taking of one and 1-8th per cent. from the revenues, estimated at 3,000,000*l.* His Lordship has introduced his reasons for this appropriation, by a long-winded minute, he has read to the House, stating the justice, prudence, moderation, &c. &c. with a long catalogue of all the other virtues, which ought to adorn an East India Governor. To a man of sense, the bare stating of such a common-place jingle of words, would denounce to his mind, that something iniquitous was to follow; the ways of truth are simple and pure: the paths of fraud are intricate and perplexed. Suppose I was to state to the House a translation of the *Cadi*, or Judge's commission, as found in Mr. Dow's book, to prove that oppressions had never prevailed in Hindostan.

Men of reflection know what a feeble barrier a combination of syllables are against the lust of rapine. We must come to the facts. Did not Lord Clive declare in his letter to the Court of Directors of the 28th of April, 1764, that he thought the two and one half per cent. which had been

granted

granted to Mr. Vanſittart on the ſmall extent of territory we then poſſeſſed was too great a burthen on the Company's eſtate? By his own conſent, and in conſequence of confirming the jaghire, was not his ſalary fixed at 6000l. a year in return for all his ſervices civil and military; the Company agreeing to defray all his neceſſary expences?—does not the ſame letter of the 4th of June add, as a farther ſecurity for the Company, "This, together with one per cent. commiſſion, which he is entitled to as Preſident, out of the two and one-half per cent. coinage duty, to be in full conſideration of all his ſervices civil and military, conſequently his Lordſhip is to have no commiſſion out of the revenues from any of our territorial acquiſitions whatſoever"?

Under what pretence then could his Lordſhip claim one and one-eighth, equal to 40000l. from the revenues?—He ſays in conſideration of giving up trade which he now declares he never followed; and yet I deſire to know, after acknowledging that deed ſtated in Mr. Bolts's book, under what name he comprehends his merchandize with Mr. Sykes and Gen. Carnac. But ſuppoſing he had actually dealt in commerce inſtead of making his bargains at the head of an army is it to be ſuppoſed he would have launched into freſh concerns within ſix months of his departure?—but, ſays his Lordſhip (ſenſible of the tender part of this argument) the Court of Directors have confirmed it to me and ſo I ſhall paſs it over, but I deny by the moſt forced conſtruction of fulſome compliments that the Court of Directors can or have confirmed it to him; beſides his Lordſhip has carefully concealed from the Houſe the ſix months of the one and one-eighth per cent. on the revenues which he drew after leaving the Eaſt Indies in prejudice of that eaſy, ſilly, humane, ſimple fellow he left behind.—In this I mean no reflection on the gentleman myſelf, I ſtate it merely as his Lordſhip has repreſented that Honourable Gentleman to the Houſe in ſumming up the cauſe of all his harmonious plans miſgiving.

I have now gone through the exculpation his Lordſhip was pleaſed to deliver to the Houſe againſt charges of which they are ready to acquit him without ever ſeeing or hearing the particulars of accuſation.—In my opinion his arguments ſtand fully refuted, though I wiſh that taſk had fallen to the ſhare of ſome abler advocate.

I will ſum up the whole by requeſting of every Member of the Houſe to conſider with his hand on his heart, what are the various ſubjects of complaint againſt the different ſervants of the Eaſt India Company. Is it receiving preſents

from

from Indian Princes? Has any man received them to such an extent as his Lordship? Is it for remitting by foreign Companies? Has any man remitted such enormous sums by these channels? Is it for monopolizing the necessaries of life, or disobedience of orders? Did ever any Governor exceed him in those, even to enter into a penalty bond to continue those destructive institutions, notwithstanding any orders from the Court of Directors to the contrary? Is it for dismissing law suits by General Courts? Was there ever a law suit of such magnitude as his own dismissed by a General Court? And here I cannot help mentioning my surprise at the dislike his Lordship has expressed against General Courts. How long has this disgust come upon him? Has he no more use for those assemblies? To what end does the whole of his arguments tend? An uncontrouled Direction at home, and an absolute government abroad, which are heard with such applause by a British parliament.

After stating particulars his Lordship descends to general arguments, which is always the sign of a bad cause. To give the House an impression of his unbounded generosity as if his former distributions to his servants were not sufficient. He tells you that Meer Jaffier, who had such affection for his Lordship, that *flesh and blood* could not withstand them, left to his Lordship by WILL, in the presence of his wife and son, and minister, seventy thousand pounds. This sum, his Lordship says, he might have kept, and he had the opinion of the ablest lawyer in the kingdom that the property was duly his; but instead of availing himself of such an advantage, he *prevailed* on the Nabob to add 30,000*l.* more, with which he has since established a fund as a perpetual monument of his bounty to those officers and soldiers at the risque of whose lives he had made so great a fortune. Is it to be supposed, says his Lordship, that a man who could establish such uncommon marks of his bounty, could stoop to the crimes charged against him? But here again to judge properly on the subject we must attend a little to the detail of facts. Meer Jaffier died four months before his Lordship arrived at Calcutta.—Several months more were elapsed before a man in the settlement ever heard a word of this will; at length Nuncumar, the late minister, was imprisoned, and soon after he was delivered of this wonderful secret, which after a proper repetition of releasements and confinements was thoroughly matured. I have examined into this matter in another place in a much more critical and exact way than I now do, and it never could hold a semblance of probability. —I am perfectly satisfied the artful minister imposed on his

 Lordship,

Lordſhip, for who can withſtand the various artifices of an Eaſtern genius as he has deſcribed their political gallantry.—But be that as it may, I now undertake to bring ten or at leaſt five men to the bar, who were intimately connected with all the affairs of the Durbar for many months after Meer Jaffier's death, who will declare they never heard a word of this will till long after his Lordſhip's arrival, and I will defy his Lordſhip, with all his wealth, power, and influence, and friends, to bring one gentleman who will declare he had ever heard a word of the matter before his Lordſhip's arrival. However, what puts an end to this claim of generoſity, is, that his Lordſhip was under covenant not to accept of any preſents exceeding 4000 rupees.

I will not trouble the Houſe with my idea of the preſent propoſed bill.—In the ſhape I formerly ſaw it, it appeared to me worſe than none. The Britiſh Legiſlature ſhould not move in the affairs of Aſia unleſs ſhe acts with dignity and effect. The eye of the world is upon her, and diſgrace muſt follow any inſignificant, much more any falſe ſtep. The preſent bill leaves that double engine of tyranny the government of the Nabob, forcible, and intire in all its parts.—It gives the natives the power of ſuing Britiſh ſubjects in the new eſtabliſhed courts, but it leaves the Britiſh ſubjects without a remedy againſt the frauds or oppreſſions of the natives, except through the interpoſition of the Governor and Council with their creature the Nabob. To be able to ſue, in every other government on earth, implies a power of being liable to ſue in turn; but this bill of the Eaſt India Company is to open new maxims of juriſprudence. The great object with a diſcerning mind, is, to eſtabliſh one certain ſyſtem of redreſſing injuries throughout that extenſive country, and particularly to guard, that no man can be ſafe, from the nature of your ſyſtem, in the commiſſion of wrongs. This once eſtabliſhed, preſents will ceaſe; for no man gives away his money without a view to undue preference—Cut off the means of accompliſhing the pernicious end, and the cuſtom founded upon it drops of courſe. So in monopolies; lay your markets free and open, (which you are well enabled to do, as drawing your revenues immediately from land without duties of exciſe or cuſtoms) and the evil is corrected. By the preſent bill the ſyſtem of tyranny exerciſed through the Nabob and his Miniſters, ſtands in ſome meaſure confirmed by law, if after being under the view of the Legiſlature, no notice is taken of it ſo as to correct the evil. I had the honour of preſenting to the Houſe a petition from a poor oppreſſed Armenian merchant; who ſuffered long impriſonment

without

without ever being able as yet to know the crime of which he is accuſed. It is true, on finding his caſe was laid before the Houſe, the framers of this bill have in ſome meaſure comprehended his ſect within the remedies of their law, by inſerting the word *Chriſtian*. But it was not becauſe he was a Chriſtian, that I preſented his petition, but becauſe he was a human being and fellow creature, and becauſe his caſe brought the ſituation of all the inhabitants of Bengal fairly before the Houſe, nor can the Gentlemen who patronize this bill ſhow me one reaſon for inſerting the word "Chriſtian" that does not equally apply for putting in the words Muſſulman and Gentoo. Suppoſe, after the preſent law, the Government is inclined to oppreſs, one, ten, or a thouſand of the inhabitants of Bengal, he whiſpers his wiſh to the Nabob, the men are ſent to priſon. They lie there for life, or are releaſed after proper payments. Have they any remedy for releaſement when impriſoned, or damages when ſet free? If you will keep up this monſtrous abſurdity, it were better to enlarge the powers of the Nabob, and make him in ſome degree an efficient Magiſtrate like Mahomed Ally at Madraſs. My opinion has never altered on this ſubject. I am clear we hold thoſe lands by conqueſt. I think the conqueſt was lawfully made by the Company, and a ſmall part of the King's forces in conjunction. I deny that conqueſt by a ſubject lawfully made veſts the property in the ſtate, though I maintain it conveys the ſovereignty. Strictly ſpeaking, after paying the Eaſt India Company for their expences and the riſques they run, on an ample ſcale, the reſidue ſhould belong to the ſtate, but I ſee no poſſibility of a diviſion, and I ſee great dread of the influence which the Crown might acquire by an improper arrangement. My mind therefore is come to this determination: that the Crown, under certain conditions, ſhould grant the lands to the Eaſt India Company, as was done in the caſes of New England and ſeveral other of our chartered colonies. The mode is eaſy, as the words impowering conqueſt and promiſing all future reaſonable grants, in each of the charters are literally the ſame. For this information, as caſes in point, to ſettle the minds of men who wiſh to act by precedent, I am obliged to a worthy member in my eye, who has made the conſtitution of the Colonies his peculiar ſtudy. The ſituation of Philadelphia, the moſt perfect government under the King, fully illuſtrates and vindicates my idea. The Eaſt India Company ſhould appoint, and the King approve of the Governor. The diſtribution of juſtice ſhould flow from the Throne. The ſtory

of the bloody sword does not frighten me *. Who does not know that the first step towards the improvement of civil society is the taking the power of punishment from the hands of the injured. The commander in chief of the troops should be named by the Company, and appointed by the King, all the lesser officers should be in the Company. A legislative authority should be established on the spot, without this we are like a ship deprived of her rudder. The proper checks and controul on that body I do not now enumerate, they must be plain and simple at the beginning. If these outlines were once adjusted, the subsequent task might be soon accomplished, nor should this matter appear so difficult as to induce the Minister of a great country to sit quiet in the most important national question that ever came before parliament, and permit the House to proceed in the dark, driving like a ship at the mercy of wind and wave. Some men have alledged as an objection against assuming the sovereign authority of that country; that foreign nations would object. Does any man believe that foreign nations permit us virtually to hold these territories under the magic word "Dowannee?"—Can it be supposed they are not equally sensible of the imposition as ourselves, or will it be believed they would not be much better contented to hold their different privileges under the confirmation of a British legislature, than of a cypher of a Nabob, directed by a Governor and Committee whom they can never trace? If I am favoured with the papers I have asked for, I shall prove those assertions from their own words, and show we are much more likely to engender disputes under the present system. If, in making our regulations, we are jealous of supporting the privilege of foreigners, we are wrong. They are necessary for the prosperity of our India trade at home and abroad, and we ought to convince them of our resolutions in this respect by liberal determinations in their behalf, for I dread their edicts more than their army.

The Noble Lord has imputed all the misfortunes of the East India Company abroad to a silly successor, and the increase of the military establishment. He is the best judge concerning those evils which flowed from his successor. As to the increased military establishment, I have often wrote, and often spoke against it, as against most of the disbursements of the East India Company, which are all calculated on a geometrical scale of extravagance in proportion to that of any other community. But who was the proposer of that

* This alludes to a case stated by Mr. Rumbold.

enormous

enormous burthen? The Noble Lord himself. For the Directors, though dependent on his breath, rather curtailed than extended his plans. He has read to you the ſtate of the military expences of the years his Lordſhip ſerved in Bengal, and compared them with thoſe of his ſucceſſors, but neither the effects of his military eſtabliſhment, or his diſtant connections, by ill-judged treaties, could be felt till he left the country; nay, not fully till the arrival of the troop of Colonels, Lieutenant-Colonels, and Majors, which he ſent from Europe. His Lordſhip imputes the multiplied evils that have exiſted in Bengal to temporary, partial cauſes; I impute them to radical defects in the ſyſtem he had eſtabliſhed, which I will not honour with the name of government, but that of a monſtrous heap of partial, arbitrary, political inconſiſtencies that were neceſſarily doomed to trouble in the ſhort period they did, and to produce all the complicated miſeries, miſchiefs, and oppreſſions which have enſued.

The Noble Lord has told the Houſe of the mighty things he did in his trip to India; but he has carefully avoided condeſcending on any one particular, except that of his arbitrary proceedings againſt men who had totally eclipſed his glory, in order to make room for his low dependants. Firſt, by deſtroying all government, and then by eſtabliſhing a ſyſtem of uncontrouled fraud and rapine—does the Noble Lord claim the merit of adding the kingdoms of Bengal, Bahar, and Oriſſa to the Britiſh empire? and will the Houſe give it to him who directed the pens of Captive Princes, or, to thoſe who by unwearied toils and multiplied dangers took the ſwords from their hands? For I aver it as a fact, that the ſurrender of Souja Doula which reduced that part of the world to our obedience, and the arrival of Lord Clive at Calcutta were ſo near in point of time, that a Courier could hardly have rode acroſs the country to have given intelligence of the laſt circumſtance before the firſt great event had happened.

There is only one other circumſtance in the noble Lord's ſpeech, which I can recollect from my notes as remaining unanſwered. In the quantity of terrors he has hung over our heads; ten thouſand French are placed at the Iſland of Mauritius, and from thence remove to Madagaſcar, from whence the long exploded topic of univerſal Monarchy, is again deduced. Now I'll tell the Noble Lord my opinion on this ſubject in contradiction to his and leave the Houſe to judge between us. If the French ſhould acquire our poſſeſſions in India, they could never hold them without poſſeſſing a ſuperiority at ſea. Theſe countries belong naturally to Great Britain,

Britain, who has a fleet to connect them with the principal dominion——France might convulse our credit, and injure us materially by a stroke in the East Indies, and I am persuaded that such was their intention, and that she had proceeded so far that she does not now know whether to draw back or go on. Before our fleet went there, our dominions in the East certainly lay exposed in a manner that no wise man can vindicate. Since Administration have sensibly sent a squadron into those seas, and are now so wisely sending a reinforcement, I am in no dread of the French, if they do not act before our reinforcement arrives.—I think, myself, they have lost their time; at any rate Bengal is not their first object. But if they once come to move to Madagascar, I am sure they are undone. Any officer who knows how European soldiers moulder away in those climates will have little dread from ten thousand men, after the drafts by death and disease, in the course of three or four years, are duly satisfied; but in case they go to a new settlement, destitute of all the accommodations from buildings and civil society, and exposed to the corrupted air of rank vegetation, I leave any one to judge, who has had experience, in the settling of colonies, what will be their fate in a few years.—Upon the whole, I shall vote against the motion, with a view of establishing an enquiry into the affairs of the British empire in Asia.

Monday, April 13, at 4 o'clock, came on in the House of Commons, a motion made by Colonel Burgoyne, for a select committee to be appointed to enquire into the nature and state of the East India Company, and of the affairs in the East Indies. Mr. Burgoyne said, the reason of his wishing to have a select committee appointed, was, that a committee of the whole House could not go through it so minutely, especially as it was now almost the end of the session, whereas a select committee might sit the whole summer. The Colonel was seconded in his motion by Sir William Meredith, who shewed the necessity for such an enquiry, as millions of people were under the greatest distress. He related a story that happened in the Roman Senate, where a great man brought home with him three hundred thousand pounds, one hundred thousand pounds of which he was satisfied with for himself, another hundred thousand he gave to bribe the Senate, and the third hundred thousand among the dumb votes. Sir William was answered by Mr. Thomas Townshend, who spoke very strongly against the enquiry being made by a select committee, saying, it was nothing more than putting the affair into the hands of government; and, therefore, that

he would ſooner wiſh to ſee it in the hands of the board of trade, or the Privy Council, than in a ſelect committee; as the latter, he ſaid, would be anſwerable for their proceedings, but a ſelect committee could not. He added, that he thought they ſhould have had this enquiry brought in by adminiſtration, as there was ſomething alluded to in the King's ſpeech; but that three months were now elapſed ſince the ſeſſion began, and no notice had been taken of it, excepting by an Honourable Gentleman independent of adminiſtration.———Lord North ſpoke next, and ſaid, he was glad to find the affairs of the Eaſt Indies taken up by a Gentleman unconnected with adminiſtration; that a bill had been brought in by one of the Directors, which he thought was much more proper than if brought in by adminiſtration; but that he certainly ſhould be for making the enquiry by a ſelect committee, and ſhould have been for it the firſt day of the ſeſſion, as he always thought it the moſt proper mode.

Lord Irnham, Col. Luttrell, Mr. Dowdeſwell, Mr. Cornwall, and Mr. Burke, objected to the enquiry being made by a ſelect committee, ſaying, they might as well have no enquiry at all, for that the ſelect committees never came in their enquiries to any thing; and therefore that the appointment of one tended only to deceive the people and would be ineffectual, Sir George Colebrook ſaid, that as one of the Directors, he could not but vote for an enquiry. Col. Barre ſaid, an enquiry ought to be made, as more cruelties had been practiſed in that country than even in Spain, but he condemned adminiſtration for not bringing on the enquiry before. The noble Lord told us (ſaid he) that at the beginning of the ſeſſion he was in confuſion, in the middle too we are in confuſion, and we ſhall end in confuſion; but, however, as I have always been for an enquiry, I am glad to accept this rather than none. The Bill however now propoſed to be brought in, will give little more relief to that large wound, which I can ſcarcely find words in the Engliſh language to deſcribe, than a bit of ladies ſticking plaiſter. Mr. Dempſter ſpoke next, and objected greatly to the enquiry of the ſelect committee, ſaying, he was ſure it would end in nothing; that he remembered a few of thoſe committees, but never found they came to any thing; and therefore that a committee of the whole Houſe would be the propereſt. After a debate, which laſted till 11 o'clock, the queſtion being called for, the motion was carried without a diviſion. Mr. Sullivan then preſented to the Houſe the following Bill relative to the Eaſt-India Company, which was read for the firſt time, and ordered to be read a ſecond time on Monday the fourth of May.

A BILL *for the better Regulation of the Affairs of the* EAST-INDIA COMPANY, *and of their Servants in* INDIA, *and for the due Administration of Justice in* Bengal.

WHEREAS his late Majesty King George the Second did, by his letters patent, bearing date at Westminster, the eighth day of January, in the twenty-sixth year of his reign, grant unto the United Company of Merchants of England, trading to the East Indies, his Royal Charter, thereby, amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction, at the United Company's respective settlements of Madraspatnam, Bombay, on the island of Bombay, and Fort William, hath been found ineffectual and inadequate to answer the good ends and purposes now necessary to be attained:

And whereas the said United Company have humbly besought his Majesty to grant unto them a more general and comprehensive Charter for the due administration of justice in Bengal; to which, their humble request, his Majesty hath been pleased to condescend, and hath signified his most gracious intention to grant unto the said United Company such new Charter, so far as the same relates to the said settlement of Fort William in Bengal, and the factories and places subordinate thereto.

And whereas it is highly necessary and expedient that sundry regulations should be made for the better management of the said United Company's affairs, and also of their servants, and other his Majesty's subjects resident in India, and for the better administration of justice in the said Company's settlement of Fort William in Bengal, and the factories and places now or hereafter to be subordinate thereto; and that such regulations should be enforced by the authority of Parliament;

May it therefore please your MAJESTY,

That it may be enacted, and be it enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in and by the said new charter to be granted by his Majesty as aforesaid, it shall and may be lawful for his Majesty to establish a supreme court of judicature at Fort William aforesaid in Bengal, and to grant and declare, that the same shall consist of a Chief Justice, and three other Judges, to be nominated by the Court of Directors of the said United Company, with the approbation of the Lord High Chancellor of Great-Britain, and the Lords Chief Justices of his Majesty's Courts of King's Bench and CommonPleas; which said Judges shall be named in the said charter, and shall hold their respective offices under the same terms and conditions as the Judges of England do now hold and enjoy their respective office or offices, but in case the said chief justice, or any or either of the said other judges, shall be minded and desirous to resign his or their respective office or offices, and of such his or their desire and intention shall give year's notice to the said United Company's president and council of the said settlement of Fort William aforesaid; or if it shall happen that, by reason of sickness or other incapacity, the said chief justice, or any or either of the said other judges, shall be rendered incapable of attending to and performing the duty of his or their office or offices, that then, and in any

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or either of the said cases, it shall and may be lawful to and for the said United Company's president and council at Fort William aforesaid, to grant a licence to such chief justice, or other judge or judges, to resign his or their respective office or offices, and to return to England: And in any or either of the said cases before mentioned, or in case of actual dismission, as herein after mentioned and provided, it shall and may be lawful for the said president and council of Fort William aforesaid, forthwith to nominate and appoint some fit and proper person to succeed to and fill up any such vacancy as may happen in the said supreme court of judicature, until the same shall be filled up or supplied in the manner herein before directed.

And be it further enacted, by the authority aforesaid, That the said supreme court of judicature, by the said new charter to be established, shall have, and the same court is hereby declared to have full power and authority to exercise and perform all civil, criminal, and ecclesiastical jurisdiction by the said new charter to be granted and committed to the said court; and also shall be at all times a court of record, in the nature of a court of oyer and terminer and gaol delivery, and shall be a court of oyer and terminer and gaol delivery in and for the said town of Calcutta and factory of Fort William in Bengal aforesaid, and other the factories and places subordinate, or hereafter to be subordinate thereto.

And be it further enacted, by the authority aforesaid, That it shall and may be lawful for his Majesty, in and by the said new charter, to grant and establish, that in case any person or persons whatsoever shall think himself, herself, or themselves aggrieved by any sentence, judgment, order, or determination of the said supreme court of judicature, to be established as aforesaid, he, she, or they shall and may appeal from such sentence, judgment, order, or determination, within days after the same shall be entered of record, to his Majesty, his heirs or successors; but no such appeal shall be allowed of or brought, unless the debt or matter in litigation between the parties shall exceed in value sterling, nor unless security be given in the sum of sterling, to answer the costs of such appeal.

And be it further enacted, by the authority aforesaid, That the said new charter, so to be granted by his Majesty as aforesaid, and the jurisdiction, powers, and authorities to be thereby established, shall and may extend to all the said United Company's settlements, factories, subordinates, and possessions, now or at any time hereafter to be acquired, in the kingdoms or provinces of Bengal, Bahar, and Orissa, and to all British subjects and Christians who shall reside in the said provinces, or either of them, under the protection of the said United Company; and the same charter shall be competent and effectual, and the supreme court of judicature, therein and thereby to be established, shall have full power and authority to hear and determine all complaints of the natives of India against any of his Majesty's subjects, for any crimes or oppressions whatsoever, and to prosecute any suits or actions, real or personal, against any of his Majesty's subjects in India; and also for any debt, or for any complaint of any native of India against any other native of India, who shall, at the time when such debt or cause of action or complaint shall

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have arisen, have been employed by, or shall then have been in the service of the said United Company, or of any of his Majesty's subjects.

And be it further enacted, by the authority aforesaid, That in case any complaint in writing shall be exhibited before the said United Company's president and council of Fort William aforesaid, against the said chief justice, or any or either of the judges of the said supreme court of judicature, to be by the said new charter established, for mal-administration of justice, or any notorious or corrupt breach of his duty or trust, that then, and in every such case, the said United Company's president and council of Fort William aforesaid shall and may, upon days notice to be given to such chief justice or judge against whom such complaint or complaints shall be exhibited, proceed to the hearing and determination of such complaint or complaints; and in case the said president and council shall be unanimously of opinion that the chief justice or judge, against whom such complaint or complaints have been exhibited, hath or have been guilty of the charge and offence alledged against him or them, that then and in such case it shall and may be lawful for the said president and council of Fort William aforesaid to suspend the said chief justice or judge, so found guilty, from his or their office or offices, and to appoint another chief justice or judge in his or their room and stead: Provided nevertheless, that the chief justice or judge so suspended may, and he and they are hereby authorised to, appeal to his Majesty in council against such sentence or judgment, so as such appeal be presented to and entered in the said supreme court of judicature within Days after such sentence of suspension shall be made or given, and so as such appeal be prosecuted, by the party or parties appealing, with all due diligence; and from and immediately after such sentence of suspension, and the appointment of a successor or successors to such chief justice or judge so suspended, in manner herein mentioned, the salary or yearly allowance of such chief justice, judge, or judges shall go to, and be equally divided between the person or persons so suspended and such successor or successors, until such appeal, so to be brought and prosecuted as aforesaid, shall be finally heard and determined; but in case no such appeal shall be brought as aforesaid, then and in such case, at the end of days after such judgment or sentence of suspension, the same shall operate and be considered to all intents and purposes as an absolute dismission of such chief justice or judge from his or their respective offices.

And be it further enacted, by the authority aforesaid, That the president and council of the said United Company's settlement at Fort William aforesaid, and also the chief justice and judges of the said supreme court of judicature to be by the said new charter established, and each and every of them, shall, from and after their respective returns to England, be, and is and are hereby declared to be subject and amenable to his Majesty's court of King's Bench in England, for any breach of duty, or for any misconduct or misbehaviour in his or their offices or employments.

And be it further enacted, by the authority aforesaid, That so much of the said charter granted by his said late Majesty as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal, or ecclesiastical jurisdiction in the said United Company's settlement there, or the subordinates

dinates thereunto belonging, shall, from and immediately after the said new charter to be granted by his Majesty in pursuance of this act, shall be openly published at Fort William aforesaid,

to all intents and purposes; but nevertheless the said charter so granted by his said late Majesty shall in all other respects, and as for and concerning all or any other of the said Company's principal Presidency or settlements to which the same relates, or to any factories or places now or hereafter to be subordinate to such principal settlements, continue, be, and remain in full force and virtue, according to the true intent and meaning thereof; and that as fully and effectually, to all intents and purposes whatsoever, as if this act had never been made, or the said new intended charter should never be granted.

And be it further enacted, by the authority aforesaid, That all the records, minuments, and proceedings whatsoever of and belonging to the said Mayor's Court at Calcutta aforesaid, or to the courts of oyer and terminer and gaol delivery at Fort William aforesaid, established by the said charter of his said late Majesty, shall, from and immediately after the said court of judicature by the said new charter to be established at Fort William aforesaid shall be so established, be delivered over, preserved and deposited for safe custody in the said new court of judicature, to which all parties concerned shall and may resort, and have recourse, upon application to the said court.

And be it enacted, by the authority aforesaid, That from and after the it shall not be lawful for the President Governor, or any of the Council of the said United Company's Presidency of Fort William in Bengal, or for the Chief Justice or any of the Judges of the supreme court of judicature at Fort William aforesaid, to be by the said new charter established, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, to accept, receive, or take of or from any of the Indian Princes, or powers, or their ministers or agents, or any person or persons under their dominion, power, or authority, in any manner, or on any account whatsoever, any present, gift, donation, gratuity or reward, pecuniary or otherwise; nor shall carry on, be concerned in, or have any dealing or transactions, by way of traffick or commerce, of any kind whatsoever, either for his or their use or benefit, profit or advantage, or for the benefit or advantage of any other person or persons whatsoever, or of any foreign Company in India, or by way of commission for any such foreign Company (the trade and commerce of the said United Company only excepted); any law, usage, or custom to the contrary thereof in any wise notwithstanding.

And, for the better and more effectually enforcing the several prohibitions and restraints aforesaid, be it further enacted, by the authority aforesaid, that the president or governor and each and every of the said United Company's council of their said presidency of Fort William in Bengal, shall, upon entering upon his or their respective office or offices, take and subscribe an oath in writing, in the words or to the effect following; (that is to say) " I A. B. do solemnly swear, that I will not, directly or indirectly, by myself, or by any other person or persons on my behalf or for my use, accept, receive, or take, of or from any of the Indian princes or powers, of their ministers or agents, or any person or persons under their dominion, power, or authority, in any manner or on any account whatsoever,

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any present, gift, donation, gratuity or reward, pecuniary or otherwise; nor will carry on, be concerned in, or have any dealings, or transactions, by way of traffick or commerce, of any kind whatsoever, either for my own use or benefit, profit or advantage, or for the benefit or advantage of any other person or persons whatsoever, or of any foreign company in India, or by way of commission for any such foreign company (the trade and commerce of the United Company of merchants trading to England only excepted): And I the said A. B. do further swear, that I will in all things, as far as in me lieth, duly, faithfully, and uprightly exercise, perform, and execute the office of (to which the said A. B. shall be appointed) without partiality, favour, or affection. So help me God."

And be it further enacted, by the authority aforesaid, that the chief justice, and each and every of the judges of the said supreme court of judicature to be by the said new charter established, shall, upon his or their entering upon his or their respective office or offices, besides the oath or oaths which shall be directed to be by them taken by the said new charter, take and subscribe the like oath in writing, as is herein before directed to be taken by the president or governor, and each of the said United Company's council of their said presidency of Fort William aforesaid.

And it is hereby further enacted, by the authority aforesaid, that such respective oaths so as aforesaid directed to be taken and subscribed in writing shall be so taken and subscribed by the said president or governor, and each of the said United Company's council of Fort William aforesaid, before the said chief justice, or or more of the judges of the said supreme court of judicature to be there established, who are hereby authorised and impowered to administer the same; and such oath so as aforesaid to be taken and subscribed in writing by the chief justice and judges of the said supreme court, shall be so taken and subscribed by the said chief justice and judges respectively, before the said president, or or more of the said council, who are also hereby authorised and impowered to administer the same; and such oaths severally, when so taken and subscribed, shall immediately be filed in the said supreme court of judicature, and shall be kept and remain of record in the said court.

And it is further enacted, by the authority aforesaid, that in case the said president, or any or either of the said council, or the said chief justice, or any or either of the said judges of the said supreme court, acting under the authority of this act, or by virtue of any power or authority to be given by the said new charter, shall offend against this act, and in breach of the oath hereby required to be taken, every person so offending, shall and may be tried by indictment or information, in the said supreme court of judicature, or in his majesty's court of King's Bench at Westminster, if the offender shall be found in any of his Majesty's dominions in Great Britain, and being legally convicted of such offence, shall be

Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person or persons, who by this act is, are, or shall be restrained from carrying on trade during their continuance in their respective offices in the said United Company's service, from collecting in their outstanding

ing debts, or from selling and disposing of their goods, wares, merchandise, effects, and stocks in trade, of which they were severally possessed at the time of their entering upon their respective offices, so as the same and every part thereof be sold and disposed of within the space of years after entering upon their said respective offices, and so as no new trade, or concerns in commerce or merchandise, be entered into, carried on, or be contracted for by such person or persons, during the said term of years.

And be it further enacted, by the authority aforesaid, that if any subject of his Majesty, his heirs and successors, in the East Indies, shall, from and after directly or indirectly, advance and lend to any person or persons whatsoever, any sum or sums of money, at a higher rate of interest than at and after the rate of for each one hundred pounds for a year, that then, and in every such case, such lending shall be, and is hereby declared to be usurious, and the party so offending shall be ; and every person lending any sum or sums of money, at a higher rate of interest than as aforesaid, shall and may be sued and prosecuted for the same, by action of debt, bill, plaint, or information, in the said supreme court of judicature, to be by the said charter established, and being duly convicted thereof, shall be subject and liable to the same pains, penalties, and forfeitures, as by the law of England such person or persons so offending would be subject and liable to if such offence or offences was or were committed in Great Britain: And all contracts, agreements, obligations, and securities, which shall be made or taken for the loan or payment of any sum or sums of money, which shall bear or carry an higher rate of interest than as aforesaid, shall be, and are hereby declared to be to all intents and purposes.

And be it further enacted, by the authority aforesaid, that from and after it shall not be lawful for any civil or military servant of the said United Company in the East Indies, to accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian powers, or their ministers or agents, or any of the Indian natives, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever; and if any servant, civil or military, shall be guilty of any such offence, and shall be thereof legally convicted in the said court to be established by the said new charter, or in the mayor's court in any other of the said United Company's settlements where such offence shall have been committed, every such person, so convicted, shall be liable to such as the court before whom such offender shall be tried shall think proper to inflict; and moreover shall, from thenceforth, be

And be it further enacted, by the authority aforesaid, that from and after the it shall not be lawful for any subject of his Majesty, his heirs and successors, to hold or enjoy any office, post or employment, civil or military, under or by the authority of any state or power in the East Indies, either European or Indian, nor shall be resident in the country or dominion of any such European or Indian power or state, without the express licence of his Majesty, his heirs or successors, or of the said United Company, or of the President and Council of the said United Company's settlement, lying and being nearest to the dominion of such European or Indian power

power or ſtate where ſuch perſon or perſons ſhall hold or enjoy any ſuch office, poſt, or employment; and if any perſon whatſoever, being a ſubject of his Majeſty, his heirs or ſucceſſors, ſhall have, hold, or enjoy any ſuch office, poſt, or employment, or be reſident in the country or dominions of any ſuch European or Indian power or ſtate, without ſuch licence as aforeſaid, every perſon ſo offending, ſhall and may be by the order of the Preſident and Council of the ſaid United Company's ſettlement neareſt to the place where ſuch perſon ſhall be then reſident, and ſhall and may be tried for the ſaid offence in the ſaid ſupreme court of judicature to be eſtabliſhed by the ſaid new charter, or in the mayor's court, of and belonging to ſuch of the ſaid United Company's ſettlements as ſhall be neareſt to the place of reſidence of the ſaid party ſo offending, and being duly convicted thereof, ſhall and may be at the diſcretion of the court which ſhall try ſuch party ſo offending; and moreover ſhall and may, immediately after the ſentence of the ſaid court ſhall have been inflicted, be ſent over to England, by order of the ſaid Governor and Council of ſuch ſettlement where ſuch perſon ſhall be tried and convicted as aforeſaid.

And be it further enacted, by the authority aforeſaid, That from and after it ſhall not be lawful for any ſubject of his Majeſty, his heirs or ſucceſſors, either by himſelf, or any other perſon or perſons whatſoever, to buy or purchaſe up any artillery, ordnance, muſquets, fire arms, ammunition, or warlike ſtores of any kind whatſoever, except for the uſe of the ſaid United Company, or for his own proper uſe and defence, or the protection and defence of his property, nor on any account, or under any pretence whatſoever, to vend, ſell, barter, utter, or diſpoſe of any artillery, ordnance, muſquets, fire arms, ammunition, or warlike ſtores of any kind whatſoever, to any of the natives of the Eaſt Indies, within the limits of any of the ſaid United Company's ſettlements or trade; and in caſe any perſon or perſons ſhall offend in the premiſes, every ſuch offender ſhall be, and is hereby declared to be and being duly convicted thereof, in the ſaid ſupreme court of judicature to be eſtabliſhed by the ſaid new charter, or in the Mayor's court of any other of the ſaid United Company's ſettlements where or near whereunto ſuch offence ſhall be committed, ſhall be liable and ſubject to ſuch as ſuch court ſhall, in their diſcretion, think fit to inflict and impoſe for ſuch offence.

And be it further enacted, by the authority aforeſaid, That from and after it ſhall not be lawful for any perſon or perſons whatſoever, who ſhall have been diſmiſſed from, or ſhall have voluntarily reſigned the ſervice of the ſaid United Company, or for any free merchant, free mariner, or other perſon, whoſe covenants or agreements with the ſaid United Company for reſiding or trading in India ſhall be expired, from thenceforth to carry on, or be in anywiſe concerned in any new trade, traffick, merchandiſe, or commerce whatſoever in the Eaſt Indies, without the licence of the ſaid United Company or their preſident and council, at the place or ſettlement where ſuch perſon or perſons ſhall reſide for that purpoſe, firſt had and obtained.

And be it further enacted, by the authority aforeſaid, That from and after if any ſervant or ſervants of the ſaid United Company ſhall be duly convicted by the judgment of any court of judicature

dicature, of extortion, breach of public truſt, embezzlement of public money, or ſtores, or of defrauding the ſaid United Company, or for carrying on any monopoly, every ſuch offender, after being ſo convicted, ſhall and may, immediately after the ſentence of ſuch court ſhall have been inflicted, be ſent over to England, by the order of the governor and council of the preſidency or ſettlement where ſuch offender ſhall be tried and convicted as aforeſaid; and moreover every ſuch offender ſhall be, and is hereby declared to be

And be it enacted, by the authority aforeſaid, That in caſe any military Officer of the ſaid United Company ſhall, by the judgment or ſentence of any court martial, legally confirmed, be found guilty of cowardice, or any or either of the offences above-mentioned, ſuch perſon or perſons, ſo found guilty ſhall, and he is hereby declared to be

And be it further enacted, by the authority aforeſaid, That after any judgment of the ſaid ſupreme court of judicature, or of any court of judicature in Great Britain, or at any of the ſaid United Company's ſettlements, againſt any of the ſaid United Company's ſervants, civil or military, for any debt or penalty due to the ſaid United Company, ſhall be made known to the court of directors for the time being of the ſaid United Company, it ſhall not be lawful for the ſaid United Company, or their court of directors, to releaſe or compound ſuch ſentence or judgment, or to releaſe, diſcharge, or put a ſtop to any proſecution, ſuit, or action commenced, or to be commenced, for any debt or penalty due to the ſaid United Company, or for carrying on any illicit trade, without the unanimous conſent of the ſaid court of directors, to be taken by ballot; and alſo the conſent of . . . in number of the proprietors of the ſaid United Company, to be taken by ballot at a general court of the ſaid United Company, to be ſpecially called for that purpoſe, and of which general court . . . days public notice, at the leaſt, ſhall be given before the holding the ſame, and of the particular occaſion for which ſuch general court ſhall be called.

And be it further enacted, by the authority aforeſaid, that it ſhall and may be lawful for the Preſident and Council of the ſaid United Company's ſettlement at Fort William in Bengal, from time to time to make and iſſue ſuch rules, ordinances, and regulations for the good order and civil government of the ſaid United Company's ſettlement at Fort William aforeſaid, and other factories and places ſubordinate, or to be ſubordinate thereto, as ſhall be deemed juſt and reaſonable (ſuch rules, ordinances, and regulations not being repugnant to the laws of this realm) and alſo to impoſe and levy all neceſſary and reaſonable impoſts and duties on commerce and trade, for the ſupport of the ſaid United Company's civil government in Bengal, and to ſet, impoſe, inflict, and levy reaſonable fines and forfeitures for the breach or non-obſervance of ſuch rules, ordinances, regulations, rates, and duties; but nevertheleſs the ſame, or any of them, ſhall not be valid, or of any force or effect, until the ſame ſhall be duly regiſtered in the ſaid ſupreme court of judicature, to be by the ſaid new charter eſtabliſhed, with the conſent and approbation of the ſaid court, and from and immediately after the regiſtering thereof as aforeſaid, the ſame ſhall be good and valid in law: But nevertheleſs it ſhall be lawful for any perſon or perſons to appeal therefrom to his Majeſty, his heirs or ſucceſſors, in council in England, ſo as ſuch appeal or notice thereof be lodged in the ſaid new court of judicature,

judicature, within the space of days after the time of the registering such rules, ordinances, regulations, rates or duties: Yet nevertheless such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, regulation, rate or duty, so made and registered as aforesaid, until the same shall appear to have been quashed or vacated upon the hearing and determination of such appeal.

And be it further enacted, by the authority aforesaid, That the President and Council for the time being of the said United Company's settlement at Fort William aforesaid shall and may, and they are hereby respectively declared to be and to have full power to act as Justices of the Peace for the said settlement, and for the several settlements and factories subordinate or hereafter to be subordinate thereto; and for that purpose they are hereby authorised and impowered to hold quarter-sessions times within the said settlement, and shall be at all times a court of record, with full power and authority to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong or appertain.

And be it further enacted, by the authority aforesaid, That any offence or offences committed against this act, or any of the clauses, restrictions, and regulations herein contained, shall and may be sued for and prosecuted, according to the nature of such offence or offences, by any person or persons whatsoever, in the said supreme court of judicature to be by the said charter established; in which no essoign, wager of law, or protection shall be allowed; and of all the fines by the said supreme court of judicature inflicted and imposed by the authority of this act, shall be to the use of the said United Company, and thereof to the person or persons who shall prosecute or sue for the same; all which said offences shall be tried in the said court by a jury of British subjects, resident at Calcutta, and not otherwise.

And be it further enacted, by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue of this act, or the said new charter, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence in his or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him or them against such plaintiff or plaintiffs.

And be it further enacted, by the authority aforesaid, That this act shall be deemed and taken to be a public act; of which notice shall be judicially taken by all Judges, Justices, and other persons whatsoever, without specially pleading the same.

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The Fate of Favourites.

THE

POLITICAL REGISTER.

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To the Printer *of the* Political Regiſter:

SIR,

THE following "Diſcourſe, on the Nature and Foundation of Political Power, with Obſervations how far each Perſon is concerned to live in a State of Subjection to it;" is an attempt to refute the notion of an original contract ſubſiſting between prince and people, on which Mr. Locke, a favourite author, has built his ſyſtem of politicks. None, however, muſt think it is done with the deſign to recommend the political creed of Tories: on the contrary, the ſole aim of it is to inveſtigate truth, and point out what is moſt probable.

Few queſtions have been agitated with more heat than thoſe regarding the foundations of civil ſociety, and the laws whereby this ſociety is preſerved. On one ſide, principles have been eſtabliſhed with an evident tendency to foment eternal ſeditions, in the view of preventing tyranny; and on the other, the moſt horrid tyranny has been conſecrated for the purpoſes of repreſſing for ever all popular inſurrections. So that prejudice and paſſion may be ſaid to have been continual obſtructions in the way of moſt politicians, towards finding a juſt medium between theſe extremities.

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The partizans of Mr. Locke assure us, that he had discovered with great sagacity, the first foundations of civil society, before he drew from them the consequences that might be decisive of the disputes on those matters; and they further add, that no work of the kind has hitherto appeared equal to his in point of truth, accuracy of judgment, precision, and order.—

'Tis however on the analysis Mr. Locke has made of the first foundations of civil society and political power, that I here propose to make some reflexions.

To understand, says Mr. Locke, in what consists political power, and to know its real origin, we must consider what state all men are naturally in. It is, says he, a state of perfect liberty; a state, in which without asking the leave of any other person, without depending on the will of any other man, they may do what they please, and dispose of what they possess, and of their persons as they judge proper, provided notwithstanding they keep within the bounds of the law of nature. He pretends that in consequence of the bounds prescribed by this law, the state of nature, though a state of liberty, is far from being a state of licentiousness.

He afterwards very clearly discusses the origin of the first right of property in the different things which men have acquired, or may acquire. He makes this right to consist in the fertility which every one by his labour and industry may give to an uncultivated piece of ground, or in the toils and cares whereby a man may procure for himself a thing, to which no one had any particular right. Every one, according to him, may consider as his own private property, the labour of his body and the work of his hands. Thus, whatever one gets from the state of nature by his toil and industry, belongs to him alone; and in the same manner, others will acquire like and as good things which has lain in common, and which they may make a property of by the same means. It may be seen in the fourth chapter of this work of Mr. Locke, how he justifies the origin of this property. And indeed, in this respect every thing seems quite rational, and no tolerable objection can be made to counteract and invalidate it.

The same cannot be said of the foundations on which Mr. Locke has pretended to establish civil government, or political power. He lays down for principle, that men in their natural state of equality and liberty, and possessed, as they are, from their labour and industry, of the best right and title that can be, to the property of the things they have so acquired, could not have given up to any one, any right over their persons and their goods, but in view of thereby procuring for themselves more considerable advantages than those they enjoyed, and espe-

especially of securing themselves from the dangers they could not otherwise avoid. This principle appears incontestable; for whether we consider the power of princes, as proceeding from God, or we think, as Mr. Locke, that this power is the result of mutual conventions or contracts between the prince and subject, we cannot form any other idea of the ends of political power; we cannot imagine, whatever the origin of this power may be, that the people should be delivered up to him, bound hands and feet, as it were, to remain entirely at his discretion, independently of the advantages they have reason to expect from it.

But Mr. Locke does not seem to have been sufficiently apprised, that by making the origin of political power to consist only in reciprocal conventions between the prince and people, that power must remain inevitably subject to an infinity of contests on the part of these people, on every occasion and emergency wherein they might think the prince did not fulfil, as he should, his engagements; which evidently shews us the necessity of a power much better secured for preventing the danger of frequent seditions to which a like government would be always exposed.

In fact, as we may learn from history, nothing has been more fortuitous, more indebted to contingencies, than the establishment of political power; and if so, Mr. Locke's mutual conventions will in the main prove to be a notion merely ideal. We cannot therefore better account for the power of princes, than by saying that it is originally derived from God. This is a truth acknowledged by all Christian people: but as there are too many among them of a disposition to incredulity, and as it is of singular importance that none should entertain a doubt concerning the foundations of political power, it is very necessary to shew, that besides the right princes hold from God himself, they have likewise another right, which alone might serve as a solid basis to their power; and it is undoubtedly on a foundation of this sort that the political power was established, to which numbers of people subjected themselves even long before it pleased God to manifest his will. And it may be further said, that the idea of this right presents itself so naturally, and is so necessary a consequence of the foundation on which Mr. Locke has established property, that we have good reason to be surprized at his not perceiving it; unless we rather choose to think that Mr. Locke had some private and favourite interest in view to make appear on this subject, more patriotism, than the temper and spirit of a philosopher.

It not only seems just to establish property on the labour and industry whereby men have endeavoured to acquire from the state of nature the different things, which according to their wants, they had a desire to appropriate to themselves; but it may be likewise alledged that it is in virtue only of this primitive right that the numerous succession of all the possessors of these things by right of inheritance, sale, gift, and even of conquest, have been truly the proprietors of them. The right of conquest does not hinder the prince, who may gratify his soldiers or subjects with the gift of things conquered, to transmit to them at the same time the same title of property in virtue of which the dispossessed enjoyed them; and this is probably one of the principal reasons for princes not being able to take back the things they have so granted and given, unless in the case of some urgent necessity of the state.

Now, if it be true, that this first title of property is the most natural and lawful, does it not necessarily follow that they who have taken men out of the state of nature, that is, who have civilized them and made them sociable, who have incorporated them under a government fit for adding to and securing their advantages, as well as delivering them from the dangers inseparable from their first state, have acquired over this society a political power as natural, and as lawful, as the right acquired by each private person over the things he has acquired from the state of nature by his labour and his industry?

But to place this consequence in its full light, it would be proper to examine into the motives, the foundations, and the ties of the first great societies. We read in almost all the good works extant on these matters, that paternal power, and afterwards the sort of magistracy, established in the first little societies which had been formed, were the occasion, the model, and in a great degree the foundation of political power. In fact, it is hardly possible to doubt of the legislation of those first little societies, having been simply framed after an enquiry into, and on the foundation of the usage established in dispersed families; and it is probable that paternal authority alone had established in each family the usages therein observed and followed. Hence it is manifest that no question could there be concerning any contract or convention; and even in all appearance children, arrived at the age of providing themselves for their subsistence and security, and disposing of themselves and substance, could not have failed in regard to the advantages arising from living in society, to remain subject to some political power; it being very certain that this power is the only true bond of society, and the only means of protection and security for the private persons that compose it. The first chiefs who had exercised

exerted political power in states formed by the assemblage of the first little societies, were therefore in the main nothing more than the successors or substitutes of the first natural magistrates, who were originally fathers of families, and afterwards those to whom the fathers of families transmitted their power for forming those first little societies.

It may be well judged that this first magistracy had not on many occasions, the means of augmenting and securing, according to exigencies, the advantages of the little state it governed. It must then quite naturally have happened, that such little disjointed and weak states, from a sense of the inconveniencies of their existence, could not help feeling the want of some powerful protection. It is easy to conceive from thence with what ardour they must have assembled under the chiefs, who had subdued them, or who otherwise had merited their confidence, by supplying them with the means of existing in greater safety, and to better advantage; and there is good reason to presume that these chiefs were originally such only among these first magistrates, who were illustrious enough, and enterprising enough to subject the people whose confidence they had acquired; and that from so doing it was not difficult for them to extend and ascertain their dominions, either by conquests, or the reputation of their government.

In order to make several small societies incorporated into a considerable state, enjoy the advantages thereby expected, there was a necessity of their contributing thereto by much more care, labour, and industry, than they employed in their primitive state of little societies. They must therefore have submitted without reluctance to more considerable obligations in favour of the new advantages they were going to enjoy. In all this there has not yet been any contract. We merely see people, made timid and uneasy by the frequent difficulties of providing for their security, and attaining the possession of the objects of their wants, receive without uneasiness, and even with gratitude, the means for guarding against those difficulties; and like, in some measure, to the barren piece of ground which the cultivator renders fruitful by his labour, yield and submit to the conditions imposed on them, to secure the possession and permanency of the advantages they desire, and without which they have often experienced they could not exist but with pain and anxiety. The submission these people avow in such case for the prince, is therefore nothing more than the effect of the confidence they are in, of thereby rescuing themselves from the miseries and dangers to which they were exposed in their ordinary state.

But

But as it is certain these people would never have resolved on yielding the power they transmit to the prince over their persons and their goods, if they had not considered this sacrifice as a source of happiness to themselves—it necessarily follows that the prince ought not to attempt, nor even imagine, as well for his own interest, as that of the state, to subject these people to a form of government contrary to their genius and active disposition, and consequently to the confidence in which they deprived themselves of their political liberty. In this manner it is that the only original contract subsisting between prince and subject has been formed, and is in the nature of those which civilians have called stipulated conditions for regulating the law of nations. As to what the prince has been pleased to preserve to his subjects in the laws and customs they followed, and the privileges they enjoyed; this has been only so far as he judged convenient, and then the matter rests as if the establishment came from himself.

The discovery and establishment of the best possible government, and the idea of the great advantages resulting from it, are therefore the principal motive of submission which subjects vow to their prince. And indeed, we cannot think that the people were ever of themselves in a condition for finding laws and the government that should best suit them, it being impossible for private persons, and of mean capacities, to place themselves in the necessary point of view for making such discoveries. None therefore but the prince, seconded by the great number of chosen persons he is in a condition to employ, could have been able to place themselves in that suitable point of view. Besides, it is only by the effect of laws containing and exciting suitably the passions of men, that the prosperity of a state can be secured and augmented; and it is easy to see why so great a body of laws could not take place in the state of dispersed families, or little societies. Such then are the primitive titles of princes. They transmit them to their heirs, even to other princes that dispossess them by right of conquest, as private persons might transmit by inheritance, gift, or exchange, the property of the goods they have acquired by their labour and industry; and as the subjects of a conqueror are settled in the rights of proprietors dispossessed by the fortune of war.

But Mr. Locke would say, where shall we fix in a monarchical state the limits a prince ought to circumscribe himself by in the exercise of his power? What shall be the certain principles of rules from which he ought not to depart to make his administration favourable to the prosperity of the state? In short, where shall we find an assured resource against the abuse of

of political power?—This must be in the just relation that should be kept up between the form of government, and the genius and active disposition of the people subject to it, and in the danger of departing to a certain degree from that just relation. It cannot be doubted but that the first object of the attention of princes who had in view the forming of a considerable state, was first to observe the manners and usages of people, to judge from them of their genius and active spirit. There is reason to presume that principally pursuant to this observation, the different constitution of societies and governments have been formed; that is, that princes had assigned to the people, who had submitted to be governed by them, a form of government more or less free, according to the stretch there should have been left to their genius and active disposition, and according to the advantages deducible therefrom for the support and increase of their power, and for the well-being of the state in general which they intended to form. But the better to comprehend the reasons of different forms of government, it will not be amiss previously to discuss, and properly to state, a comparison that has been frequently made between the animal and political body.

The relation between the animal and the political body, consists in the order of action whereby the political, as well as the animal body, maintains its existence. All the active parts of the animal body are comprehended, and as it were planted in a sort of general organ, which of itself has no determinate motion; but which at the same time is susceptible of all those which the active parts it contains are to communicate to it; and it is only by the help of this action, which more or less is incessantly communicated to it, that it is in a condition to acquit itself of its functions. That passive organ, which serves as a basis and support to all the active organs of the animal body, represents exceeding well by its nature, by its functions, and by the causes that produce and renew its action, what the people are in the political body. The prince who is the principle of action in the political body, corresponds perfectly to the principle of action which determines all the motions of the animal body; and all the active organs, by which the action is transmitted from its principle to all the parts of the animal body, resembles perfectly the intermediate powers, which the political power has established to transmit its will to the different parts of the state, and by them to have it carried into execution; and it is easy to comprehend that the political power is not less interested in the preservation and welfare of the body of which it is the soul, than the principle

of

of action of the animal œconomy is in the preſervation of the animal body.

But if it were poſſible to ſuppoſe that the prince was for any conſiderable time deaf to well grounded complaints and remonſtrances of his people, the political body, like the animal body ſenſibly affected, would be in danger of ſoon loſing its active qualities by loſing its harmony. Then the leaſt return of irritation, the leaſt ſeditious contrivance ripe for execution, and very hard to be prevented on theſe melancholy occaſions, would almoſt inevitably throw him into a degree of convulſion, capable of ſhaking the foundations of the moſt firmly eſtabliſhed political power; and the danger would be the more imminent, if theſe people were of a ſpirited temper, and had a ſelf-conviction of the juſt degree of their privileges. But it ſhould be obſerved that though this mutiny be puniſhable, (for nothing of the kind can be lawful) yet it ſcarce would be more juſt to attribute it to a ſpirit of ſedition, or premeditated rebellion, than to make a man reſponſible for what he ſhould do in a violent delirium.

This matter requires to be further illuſtrated by many other obſervations; but having already exceeded the bounds of an eſſay, in your Regiſter, I ſhall beg leave to reſerve them for your next.

To the Printer *of the* Political Regiſter.

SIR,

THE words 'Vix gaudebit Hæres Tertius,' is ſaid to be a prophetic ſpeech of Edward the Confeſſor, in regard to the unfortunate reign of the third heir of any family or branch that ſhould reign after him in England to the end of the world. I confeſs for ſeveral reaſons the thought at firſt a little ſtartled me; and at length filled me with the curioſity of inquiring, from our ancient hiſtorians, into what was recorded of this Edward. I found ſomething equally ſurpriſing in *Guliel. Mal. de geſt. Reg. Angl.* & *Alfred. Abb. in vit. Edward.* Concerning the judgment and puniſhment of God upon the people of England for their ſins, revealed to this ſame King Edward a little before his death. He, as theſe hiſtorians ſay, having lain in a trance two days together, ſignified when he came to himſelf, that two religious men, whom he had known in Normandy to live and die with great edification, had appeared to him, and told him from God, that after his death, the kingdom ſhould for a time be delivered up into the hands of

of devils, and wicked spirits, for the sins of the clergy and people. To this the king added, that when he had made pressing instances to them for leave to make known the same, in order that the people might repent, and avert the wrath of God from themselves, as the Ninevites did, the same religious men answered, that it would be to no purpose; for that they neither would repent, nor would God forbear to punish them; and when he further intreated to know when the wrath of God would be appeased towards them, and their sins remitted, they answered him in this parable:

"When a green tree being cut off in the midst, and one part of it separated from the other, the breadth of three acres, shall without help come together again, bloom, and fructify; then shall they receive some comfort, and their sins be remitted."

This he told the queen his wife, the Lord Robert steward of his house, Harald who was afterwards king, and Stigand bishop of Canterbury; who were all present when he came out of his trance; and the event shewed shortly after, the truth of the first part of it, when Duke William of Normandy slew king Harald, and conquered the realm, and brought all its state to miserable servitude. As for the latter part of the parable, some have expounded it, that it was fulfilled, when Henry I. married Matilda or Maud, the king of Scotland's daughter; whose mother Margaret was daughter to Edmond Ironside, and niece to Edward the Confessor; so that the tree, that is, the reign of English kings, being cut asunder by the death of king Edward, in whom it ceased, was separated from the trunk the breadth of three acres, that is, the reign of three kings, namely, Harald, William the Conqueror, and William Rufus; and came together again in Henry I. by his marrying Maud; and the tree fructified, when Maud the Empress, issue of that marriage, was mother to Henry II. in whom ceased the reign of strangers in England, all his successors being naturally English.

We may sufficiently understand what the sins of the people were, from the testimony of William of Malmesbury, who lived in the same age. He says, that though all learning, religion and virtue had flourished many years among the English, yet a little before the coming of the Normans, the same was utterly destroyed and decayed. For the Clergy were so unlearned, that they scarce could properly pronounce the words of the divine service; and such was the ignorance generally of all men, that a grammarian was held for a wonder. The Monks were wholly addicted to delicacy, and kept no rules of religion; the nobility and gentry devoted them-

ſelves to gluttony and laſciviouſneſs; there was no regard for religion, nor care of juſtice; inſomuch that the common people ſerved for no other purpoſe than a prey to the nobility, who ſpoiled and plundered them at pleaſure. It was a common cuſtom, when men had got their maid-ſervants with child, either to ſend them to the ſtews, or to ſell them for ſlaves. Drunkenneſs, and all vices that commonly accompany, or follow the ſame, were generally contracted throughout the whole kingdom.

King Edward himſelf, when he declared his viſion, ſaid, that the magiſtrates, as well ſpiritual as temporal, were no better than miniſters of Satan; that God was every where diſhonoured, law contemned, truth trodden under foot, mercy baniſhed, and cruelty triumphant; and therefore, concluded he, the wickedneſs of the Engliſh is now compleat and grown to its height, and the revenge and puniſhment thereof is ſhortly to follow.

To the Printer *of the* Political Regiſter.

SIR,

OUR Nobility and Gentry have run of late, and are daily running into ſuch exceſſes in regard to their pleaſures and amuſements, that it ſeems high time ſome reſtraint ſhould be laid upon them, even by law, to keep them from ruining themſelves and others. In the mean time they ought to be recommended to obſerve moderation, and taught rather ſomething of a more auſtere morality, which I ſhall endeavour to do in reflections on what is called the preſent taſte of the age; and here firſt,

On CARD-PLAYING.

THE man that knows how, ſays St. Evremond, to mingle buſineſs and pleaſures together, is never poſſeſſed by pleaſures; he takes them up, and lays them down as it beſt ſuits him. Pleaſures indeed, and buſineſs divide the life of man: the charms of the one allay the bitterneſs, or eaſe the fatigues of the other. But if pleaſures are neceſſary, they are very dangerous. It is therefore of the laſt importance to make a proper choice of them, and to taſte them with moderation, that nothing may be ſacrificed to them, to the prejudice of virtue, and the good of the community.

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It is certain that innocent pleasures are the happiness of life, though not one can be long enjoyed without distaste. It is certain also, that it is the imagination which is creative of all our pleasures, and all our pains, and this is a new reason for amusing ourselves sometimes. In short, all agree that pleasures and reputation are two general good things which season others; and it is admitted in the severest morality, that honest pleasures are not incompatible with real wisdom. The wise and good have even this advantage, that their pleasures are more durable, because regular; and their life more calm and tranquil, because more innocent. Trouble of mind is a subtle poison that kills us imperceptibly, when we have not beforehand learned to rise superior to events; so that there cannot be a more infallible remedy than pleasure. It is even a specific.

But how shall we seek after pleasure, it will be said, when we suffer? 'Tis true, pleasure in the height of afflictions appears to us insipid; but gradually it weakens the sensation of sorrow, it stupifies pain, it dissipates the disagreeable vapours that rise from time to time in the mind. Insensibly we again find ourselves in our wonted situation, and tranquility upon the return restores us to our whole sensibility for the innocent pleasures which vexation made bitter to us. We need only then make choice of these pleasures, and make a good use of them. Especially we ought to be very careful, that what should be only pleasure and amusement, might not assume over us the authority of passions. This would at once become a deprivation of the heart and mind, and the very measure adopted for recreating the fancy, would be the instrument of our dishonour and ruin.

I would then counsel the use of pleasures, but not their use to intoxication. To prevent this ebriety, and to guard against it, I believe nothing better can be done, than to consult as much prudence as taste in the choice of pleasures. If this maxim holds good for all pleasures in general, its practice is infinitely more useful in the use of a favourite diversion, called Card-playing.

We are wanting to ourselves, when we let slip from us any one of all the resources which pleasures procure us. They are not only fit for withdrawing us from the feelings of our troubles, or for the reviving the taste by the enjoyment of what may flatter us: but it is also a political concern to us to know how to indulge ourselves in certain amusements. That young gentleman, and that young lady, who without a passion, and even without a taste for Cards, play only to introduce themselves into the world, or to cultivate a commerce with it, often hap-

pen to make known in them a merit, which otherwise would have lain concealed. If this known merit acquires for them considerable favour and powerful friends, they would injure themselves if they had not preferred, through complaisance, the pleasures they loved less to that they loved most.

The corruption of the age has made of Card-playing a sort of trade and business; and some have even reduced it into a sort of system, and something worse. At least, let us grant to the shame of our times that we make a wretched commerce of it. Be therefore exceeding circumspect that it serve merely as matter of amusement to you. If you suffer it to rise into a passion, it will soon run to madness. A gamester by profession, who exposes to the chance of a die or card the patrimony he has received from his ancestors, who hazards the fortune of his wife, and whatever nature has appropriated to the benefit of his children, besides being a burden to himself, will quit the stage of this life loaded with obloquy and scandal. You will never see the well-meaning man, the man that is master of his passions, sacrifice the pleasures of a fine day, and of a peaceful night, to the foolish hopes of a sort of fortune which is seldom made, and never made without giving a deep wound to honour. Can a rational being dread any thing more than to begin by being made a dupe of, and to end by becoming a knave?

I am satisfied that in general one may be a deep player, an honest player, and a noble player; but this character is as rare as that of a professed player is dangerous. Yet what should hinder playing for a small matter, where neither the hope of gain, nor the fear of loss can enter; where the chearful mind is always of the party, and seeks only to banish care by social intercourse.

It is said, that a man is not so well known in other occurrences of life, as over his bottle, and at play. This is not always a sure decisive manner, yet I cannot think that he who betrays emotion on meeting with a rebuff, or regrets lost money, is out of play liberal and pacific. Uneasiness shews a narrow spirit, and anger or avarice a meanness of heart. If one has sufficient strength and presence of mind to hide his faults and vices, on sundry occasions the tart and covetous man will appear by reflection mild and generous; but if he does not support this kind of hypocrisy in play; if a reverse of fortune happens to discover his littleness and brutality, then one has a right to believe of him, that his natural disposition is laid open, and his soul unmasked. We judge more surely of his character by the first emotion that escapes him, than by false and studied virtues, and he loses in a moment what he had

had been long in acquring, by not shewing himself such as he was.

All the horrours one may be a witness of, even in moderate playing, may soon confirm him in opinion, that it is very difficult for a man to retain his integrity intire in deep play. It is an immediate occasion for going headlong into all vices. The stock soon fails; it must be reinstated, cost what it will. At length, usury and injustice come in with their assistance, or friendship lends on pledges and mortgages; the fatal resource of deep players! And then what can be a more poignant affliction than to see a family-estate lost for ever; or can the Gamester survey the spectacle, shocking indeed, with dry eyes, and without a heart-ach?

I cannot make you more sensible of what I think of gaming, than by proposing to you the contrast of two sorts of situations in respect to Card-playing. Enter for a moment those coffee-houses in the politer part of the town, and you will see all new comers, young, and of opulent fortunes, prodigiously caressed, their wit and sense applauded, and precedents given them on most occasions, purposely to draw them in. There sittings are held for whole days and nights, without stirring. Hunger perhaps, and want of sleep, are reputed as nothing, dejection and ghastly countenances shew the image of death; and agitation, complaints, distorted features, and blasphemies make a picture of hell. This is drawing after nature a pourtrait of our deep players.

Take from these same actors, persons perhaps otherwise of singular merit, who groan under the yoke they have imposed on themselves; take from them, I say, that dangerous goad that eggs them on, that desire of gaining, and that fear of losing, the necessary consequences of a madness for gaming; place them in the midst of a select and genteel company, who have learned to ally pleasures with virtue: propose to them perhaps a party at whist to go before an elegant yet frugal collation; then what sentiments and what thoughts! how many pretty things! The heart and mind masters of themselves, make themselves masters of pleasures; and they who were furies become again men. In both places there is Card-playing, but we find a great disparity in the persons; and thence we may be sensible of the pernicious effects of too headstrong a passion, and the pleasing resources of innocent amusement.

Let none be guilty of any trick at playing; it savours of the cheat, and is quite infamous: yet there is a sort of knowledge in play which is admissible. This science which some stupid people readily take, and which often escapes the ingenious,

nions, may be called the ſpirit of the game; and it conſiſts principally in attention and practice. 'Tis true that too much attention marks ſomewhat of too great an attachment, which muſt be a vice of the mind; yet a perpetual inattention, which occaſions the playing very ill of a game, which can afford no pleaſure but when it is played well, is an evident proof of a wandering diſpoſition, or an evaporation of the mind. Whatever you do, do it well: it is a juſtice and pleaſure to yourſelf and others.

Madam Tumultuoſa at Lady Baſto's rout, makes herſelf one of the moſt inſipid creatures living. She would fain appear the beautiful and young thing, but is neither. Her whole talent lies in ſcandal. Incapable of the leaſt reflection, ſhe is quite tireſome at the card-table; yet without cards ſhe would not be able to live out the day. Sometimes her diſtractions are ſo ſtrange at whiſt, as to aſk every moment, whether ſhe herſelf has played, who has, and what; and to juſtify this extravagance, ſhe ſays that attention is only fit for a gambler.

On the contrary, Sophoniſba, who ſometimes appears at the ſame rout, has the preſence of a queen with a thouſand external graces; but ſhe has ſtill more virtues than graces, all which ſhe ſupports by the nobleſt manner. She is familiarized to pleaſures, and loves them, but loves reaſon infinitely more. She is ſeen with a hand of cards, in the midſt of a numerous and brilliant company, to divide her attention with ſo much juſtneſs, as to make all ſenſible of her politeneſs and goodneſs of heart, yet without committing the leaſt fault at play. Whence I conclude that a man deſtined for the commerce of the world, ought to be intelligent in play, without loving it too much, and ought to play well the game he ſits down to, and above all play it nobly.

Play not too indolently, yet likewiſe let no troubleſome uneaſineſs, no ſilly joy, no debaſing fear be diſcernible in you. Take to the middle between too much attachment and inattention. Strive to make yourſelf ſenſible, that if Card-playing diſhonours thoſe who make a ſhameful commerce of it, if it diſpays in full light their avarice and brutality, it is not leſs for the good man an infallible means to ſhew without oſtentation the integrity of his ſentiments, the juſtneſs of his mind, the politeneſs of his manners, and the evenneſs of his temper.

The

The most obnoxious part of the Ministry's Conduct in the Affair of the Royal Marriage Act, explained.

IN every act properly planned, there is a specifick penalty to be inflicted on those who transgress it. Accordingly the last clause of the act in question runs thus: "And be it enacted by the authority aforesaid, that every person who shall knowingly and wilfully presume to solemnise, or shall assist, or be present at the celebration of any marriage with any such descendant, or at his or her making any matrimonial contract without such consent as aforesaid first had and obtained, except in the case above-mentioned, shall, being duly convicted thereof, incur and suffer the pains and penalties ordained and provided by the statute of provision and pre-munire made in the 16th year of the reign of Richard the Second." When the expediency of this clause was debated, Mr. Vaughan got up, and with great judgment asked the crown lawyers how offenders under this act were to be prosecuted? Was it by information? Was it by indictment? Was it before a jury, or before the privy-council, where no jury is admitted? Mr. Thurloe, the attorney-general, arose with his usual solemnity, and with an oracular voice, declared that offenders were to be prosecuted by indictment before a jury. This happened, if I mistake not, on Wednesday; and so the matter rested. On Friday Mr. Vaughan, having examined the statute, and enquired into the manner of prosecuting under it, called the Attorney General, and the rest of the ministry, to account, and proved very clearly to the House, that, if the words of the Royal Marriage Act continued in their present form, all offenders against that act must necessarily be tried and punished in a summary manner by the privy council. He conjured the House therefore not to suffer themselves to be imposed upon by this artifice, nor to let the subject be deprived of the inestimable, and indeed unalienable privilege, of being tried by his peers; nor to suffer a star-chamber inquisition to be again instituted, but to preserve the ancient constitution inviolate, and in this respect to transmit it unimpaired to their posterity, as they had received it. He pleaded in vain. Numbers prevailed. Though Thurloe and North had nothing to say in defence of the clause, and were therefore silent, no alteration or amendment was made. They would not even enter upon a discussion of the matter; but voted roundly and in the lump for the whole. Thus are the people of this realm rendered by this act subject to the discretion and despotism of the King and his council. The framers of this act knew the poison that lurked under

under this insidious clause, and were therefore cautious how they explained their intentions. Hence the obscure manner in which the penalty is intimated to the public. Instead of explicitly naming the penalty, they quote an old, unknown and obsolete law of Richard the Second. Had Mr. Vaughan, whose sagacity and spirit on this occasion were conspicuous, been properly supported, the bill might perhaps have been rejected. But the minority are but irregular, undisciplined troops, without any leader; while the majority are trained bands under an experienced commander, and, what is more, well and duly paid. Veterans will at the long run always defeat raw soldiers.

ORIGIN of JURIES.

WHEN the Anglo-Saxons had settled themselves in their conquests, they derived from toil and industry the subsistence which they formerly drew from depredation and war. An idea of property arose among them; and it was succeeded by a fear of public invasion and of private injustice. They found a bulwark against the first, in their valour: they obviated the inconveniencies of the second by civil regulations. Their mode of domestic policy was, at the beginning, as simple as their method of carrying on war. They owed their safety at home to their general ideas of natural justice: and their renown abroad more to valour than to their address in the field.

Courts of justice were prior in their institution to legislative assemblies. Nature has implanted the principles of equity in the human mind; and laws are rather the declarations of the community against injustice, than definitions, which constitute, by explaining the nature of, crimes. Though the Anglo-Saxons, in their progress towards the south, lost the reverence of their ancestors for kings, they retained their principles of internal police and government. Each tribe, as soon as it obtained settlements, divided its territories into small districts, for the convenience of civil justice, as well as for the sudden demands of war. The people finding it inconvenient, upon every trivial occasion, to convene in a body for determining upon controversies by the plurality of voices, devolved their authority upon a judge chosen annually by themselves.*

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* Judicis, ut et magistratus omnis, olim penes populum electio erat, confirmatio penes regem. Stiernhook de Jure Sueonum et Gothorum vetusto, lib. i.

This officer, being in his own diſtrict the repreſentative of the king, who poſſeſſed the executive power of the ſtate, was confirmed in his place by the royal approbation. The mode of election, which prevailed among the Anglo-Saxons beyond the reach of records, was probably the ſame with that which obtained in Scandinavia in leſs diſtant times. When a vacancy happened, the people of the diſtrict were convened by the prieſt. The vulgar met with the better ſort in this convention; and every one preſent had a right to vote. They choſe twelve out of the number preſent; ſix landed proprietors, and ſix of the inferior peaſants. Theſe fixed on three whom they thought equal to the office; and the election being announced to the king, he ſelected one of the three for diſcharging the duties of a judge.†

When the matter in diſpute was clear and obvious, the judge decided without heſitation; and his deciſion was enforced. When the caſe ſeemed dubious, he demanded aid from the wiſdom of others ‡; and the litigating parties ‖ choſe ſix perſons, on either ſide, to be his aſſiſtants. Theſe were appointed to enquire into the fact; and having determined upon it, by the majority of voices, they delivered it over to the judge, who was obliged, without delay, to paſs ſentence upon the fact ſo delivered, according to the uſages of the diſtrict, and the eſtabliſhed laws of the ſtate. The different departments and powers of the jury and judge were aſcertained with preciſion, and defined with accuracy. The jury took cognizance of the fact, the judge declared the law: the firſt ex-

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Eliguntur in conciliis et principes, qui jura per pagos vicoſque reddunt. Tacit. Germ. xii.

† Electio autem reſtricta, certo modo et conditione, peracta. Quoties enim vacabat locus, populus convocatus per ſacerdotem, ex ſeipſo duodecim electores eligebat, ex equeſtri ordine ſex et totidem ex plebe, qui tres alios viciſſim eligebant quas pares muneri exiſtimabant, ex quibus unum rex confirmabat. Stiernhook, lib. i.

‡ Ubi res aut confeſſione, aut teſtibus, aut aliis documentis non ſatis eſt manifeſta in ſubſidium (Judicis) Nembda, a majoribus conſtituta fuit; quæ *rem vel factum* quoquo modo exploratum judici tradere teneretur, ut ſine mora ſententiam ſuper ea re *ex jure conceſtam* ferret. Id. ibid.

‖ Nembdam partes litigantes eligebant, pari numero utrinque. Id. ibid.

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plained the ſtate of the caſe; the latter decided the ſtate of the controverſy.§

The apparent equity of trials by jury recommended the practice ſo ſtrongly to the people, that their interpoſition became neceſſary in all legal determinations. The jurors gradually became members of the court; and though their deciſions were grateful to their fellow-citizens, their office became troubleſome to themſelves. When the parties retained the right of chuſing them, a new jury appeared on every new cauſe.* All the members of the community were alternately harraſſed by attendance; ſome refuſed to come, and others delayed to come in time. The practice was too good in itſelf to be dropt: and the magiſtrate found himſelf obliged to interfere. The judge, or the king's lieutenant in the diſtrict, ſummoned therefore a ſtated jury, from the diviſion of the kingdom, over which he preſided; and the parties, inſtead of chuſing twelve, were only permitted to object to a certain number.**

The original office of juries, which the northern nations diſtinguiſhed by the name of Nembda, and other appellations expreſſive of their nature,† was only to enquire into the fact, and, having explained it with great attention, to deliver it over CERTAIN to the judge ‡. They were conſidered as the competent judges of the true ſtate of the fact, but they were not ſuppoſed to be verſed in the proviſions which the antient uſa-

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§ Circa alia officium judicis, circa alia Nembdæ. Nembda *de facto* cogneſcebat, judex *de jure*. *Illa* ſtatum cauſæ, *hic* ſtatum controverſiæ decidebat. Stiernhook, lib. i.

* Nembda vera ab initio, ſtata & ordinaria non fuit; ſed alia atque alia, non modo in quolibet judicio ſed et qualibet in cauſa. Id. ibid.

** Succeſſu autem temporis, cum ejus officium neceſſarium eſſet, conſiquitio, vero pro ſingulis in ſingulis cauſis gravis videretur, de certis & ordinariis cogitari cœptum eſt, ne eorum penuria aut defectu cauſæ pro laterentur. Itaque judex ipſe vel præfectus provinciæ regius, utrinque enim de jure extat, Nembdam conſtituebat, viros honeſtos, domicilii certos. Stiernhook, lib. i.

† Quod deputati Nembdeman, quod duodecim Twelfman, quod integræ vitæ Gauneman, quod ſenes Oldungar, nominat fuerunt. Id. ibid.

‡ Facti tantum cognitio, nulla juris dictio Nembdæ. Id. ibid.

Officium autem Nembdæ non fuit quod hodie cum judice judicare et per ſuffragio ſententiam dicere, ſed, quod modo dictum, factum tantum examinare, explicare judici certum tradere. Id. ibid.

ges and the laws of the ſtate had made for the relief of the injured, and the puniſhment of the guilty. Their juriſdiction, however, encreaſed in the northern Europe in the courſe of time. They became the judges of law as well as of fact: from giving only their opinion to the judge, they roſe to be his aſſeſſors; and his power degenerated to ſuch a low degree, that he became at laſt the mouth through which they communicated their deciſions to the public ‖.

The mode of proceeding before juries which was practiſed in Scandinavia differed from that which has obtained in England. The majority of voices determined, on the continent, the guilt or innocence of the culprit. In England, all the members of a jury muſt agree in the deciſion: and either compleatly abſolve, or thoroughly condemn. The juries of the north delivered their judgments upon the whole of the caſe: in this country, they found their verdict, as the word imports, only upon the fact §. In Scandinavia the ſuffrage of the majority, as has been already obſerved, acquits or condemns: the ſuffrage of ſeven, out of twelve, determines the fate of the defendant:—But when the voices are equal, the law inclines to mercy, and the culprit is abſolved *. It appears clear, upon the whole, that the original power of juries did not extend ſo far as to judge with the judge †; but only to examine and explain the *fact only*, and to deliver it over, in its true and certain ſtate, to the judge, for his deciſion, according to ancient uſage and the eſtabliſhed laws of the land ‡.

‖ Videntur pro ſuo arbitratu ſtatuiſſe, et tam de jure, quam de facto. Stiernhook, lib. i.

De conſuetudine vero hodie Nembdæ ex officio judicis participat, confuſis enim officiis ſimul de facto et jure cognoſcunt et adjudicant tanquam aſſeſſores, judice tantum preſidente. Id. ibid.

§ Facti tantum cognitio. Id. ibid.

* In eo tamen abit jus Anglicum a noſtro, quod omnes et ſinguli ſimul vel abſolvere debeant vel condemnare, non præciſe quem omnes ſed quem major pars Nembdæ abſolverit vel condemnarit: itaque ſeptem ſuffragiis reus vincit vel vincitur. Si autem paria utrinque fuerint, in meliorem partem inclinat jus noſtrum, et abſolvi eum quam condemnari humanius exiſtimavit. Stiernhook, lib. i.

† Non cum judice judicare. Idem. ibid.

‡ Denique in factum Angli condemnant vel abſolvunt. Id.

The subordination, without which no government can subsist, was regulated with precision and wisdom, by the free nations of the north. It however obtained less between persons than things. In peace, a kind of equality prevailed among all; though merit, and even necessity, gave birth to gradations of authority in war. It was an established maxim, that the few should yield to the many: that the courts of the lesser districts should possess no power of decision which could not be reversed by those of the greater. A general chain of appeal was established from the court of the tithing to the council of state; where the king presided in person, being acknowledged, in the lowest ebb of his personal power, the fountain from which all authority flowed.

The following Letter was inserted in the London Packet *of May* 1; *but that not being the Channel through which the celebrated Letters of* Junius *have been usually conveyed to the Public, some Persons, notwithstanding the Elegance of the Style, suspected this was not the Production of that able Writer, the Editor of that Paper, therefore, inserted the following Advertisement:*

"The Publick may be assured, that for ought the Editor knows, the Letters signed *Junius*, in the *London Packet*, came from the original Adopter of that Signature. One thing, however, he does know, that the Style is by no means inferior to that of the Letters universally fathered on the real *Junius*."

To the Printer of the LONDON PACKET.

SIR,

WHATEVER my enemies may collect from my silence, I am too loyal a subject to be long regardless of the royal virtues of my approved good master. I purpose shortly, once more, to attempt his entertainment, though my first essay in his service met with so rudely ungracious a reception. To pay a proper attention to the accumulated exigencies of government, and to maintain, with consistency, the ridicule of the measures he has adopted, is surely a task too laborious to be supported without intermission. His assiduous culture of the ingenuous arts, with which no lisping infant is unacquainted, must require frequent relaxation. I would esteem it as the first happiness of my life, should my labours ever succeed, to amuse the listless tediousness of his vacant hours, or in any degree alleviate the painful

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repetition of those cares, which have already so effectually secured the affections of his grateful subjects. The unfashionable stile of honest admonition, proved, it seems, too harsh for the delicate texture of his royal ears. Ever consistent with the plan of loyalty and moderation, which I from the first professed, I shall for once attempt, in form more courtly, to present him with incense more agreeable. A tribute so uncommon, as the approbation of an independant Englishman, may perhaps surprise him: yet he may believe me, when I declare, that I should not have taken the liberty of introducing his sacred name upon this occasion, were it not to reward his matchless penetration in the choice of his ministers, with those praises, which I feared the religious humility of modest merit might render him unconscious of deserving.

Many English princes, before our present gracious sovereign, had conceived the pious design of restoring in fact a doctrine, which the folly of our philosophers had exploded; and reigning by divine right the arbitrary, unlimited tyrants that heaven undoubtedly intended them. Yet by the sacrilegious obstinacy of their rebellious subjects, he had seen them continually obliged, either to abandon the unhappy instruments of their holy ambition, or fall themselves a sacrifice to their security. Thus the intention of taking upon himself alone the cares of state, and freeing the other powers from the heavy load of a vexatious administration, was not more benevolent than it was dangerous. He was incapable, however, of being discouraged, by any difficulties attending the execution of a design, which he had undertaken upon so humane a principle. He had seen measures the most artful carried into execution, by servants of the greatest resolution and fidelity, uniformly unfortunate. A new system of policy therefore, and ministers of unusual qualifications, were necessary, where every infamous suggestion of royal cunning, had been already nearly exhausted, without success. His Majesty has adopted, in fact, a course of measures, which such a genius as himself alone, could have esteemed plausible in theory; and left us to doubt with humility, whether we ought more to admire his wisdom in the design, or his success in the execution. No possible concurrence of circumstances, could have been conceived better calculated, to assist the accomplishment of his gracious intentions. Had his bosom friends and associates, been less infamously contemptible, had their political manœuvres been less glaringly ridiculous, it would have been possible, that the existence of such phænomena might have been believed. The people would soon have become sensible, of the degrading injuries they have sustained, and would have been with difficulty withheld from recurring to a precedent, they had so often practised with success.—But when the conduct of administration manifests such an incongruous complication of timid arrogance, and petulant irresolution—When the most daring attacks upon the liberty of the subject, are advanced and supported, without the appearance

of

of a regular design—When measures the most opposite are adopted and discarded, with a preposterous rapidity of succession, without their ever blundering into a single act, that a man of common honesty would not shudder at, that a villain of common understanding would not be ashamed of—The mind revolts from such a history of improbabilities. The body of the nation partly from indolence, and partly from the necessary avocations of commercial employment, want either leisure, or resolution, to attend this miraculous system thro' its every ludicrous variation. Incapable of reconciling what they hear, to any possible theory of design, they either conceive at once, that they must have been misinformed, or too much despise the men, to fear any evil consequence from such shallow machinations. Traitors thus secure a refuge from the vengeance of their injured fellow-citizens, in the magnitude and extravagance of their infamy: and by the very means, which a less penetrating genius than our gracious sovereign would have imagined, must have insured their destruction, they are preserved to the continuance of their crimes, and the ruin of their country.

When I remark the happy inconsistency, and successful irresolution of our respectable rulers, I am apprised of an usual exception, I mean that blubbering, blustering piece of oratorical machinery, whose ill stars, in conjunction with the necessities of the Duke of Grafton, have placed him at the head of the treasury. I admit his claim to a particular consideration. The history of his pretensions may afford matter of entertaining speculation, to those philosophers, who delight in the monstrous productions of nature. Nor will compassion allow me to refuse him that palm of fortitude and consistency, which he has so painfully laboured to deserve. Painfully indeed, when the recollection of what he had done, and what he had suffered, could bring tears into his eyes, in so public a place as the House of Commons.—There was a time, when the Ministry began to fear, that they had succeeded farther than they intended, that while they expected but to excite the contempt of the people, they had unfortunately roused their indignation. The political system, their gracious master had adopted, was never esteemed too despicable to be maintained; yet, on the first appearance of danger, he found himself deserted. Though their souls were callous to the sting of infamy, fear, as well as every other baser passion, bore its part in the composition of their character. And their examples have at least been of use to inform us, what wonders the smallest exertion of resolution may effect. There still however remained one villain, whose intrepid meanness, was not to be discouraged by any presage of either peril or dishonour. He rather congratulated himself on the prospect of so fair a field, for the display of those boasted Roman virtues, with which the world was as yet unacquainted. He seized the deserted helm—He pledged himself to his country, that every execrable measure of his infamous predecessors, should be adhered to with firmness and uniformity—That every grievance

ance and oppression, against which we have petitioned and complained, should be continued and increased, with remorseless perseverance—He pointed out with a curious felicity, the steps by which he hoped to root out the very memory of freedom from amongst us, and render the British name more infamously notorious, than it had ever been honourably distinguished. And now, with an effrontery peculiar to himself, he solicits our applause of his steadiness, and consistent resolution.—Candour indeed must own, that no part of his engagements have remained unfulfilled.—That he has ever continued the confirmed invariable villain, he originally professed himself. If he has at any time, appeared to have relaxed the tone of his administration, we should consider the extreme difficulty of the character he has assumed, and allow for those human wanderings, from which the greatest geniuses are not exempted. For my own part, I am incapable of being uncandidly severe, in my strictures upon any man. I allow him all the merit he undoubtedly possesses, and consider it as the sole effect of accident, if he has ever deserted the footsteps of his predecessors, or in spite of his attentive caution, been betrayed into any thing like the shadow of a virtue.

I will venture to affirm, that our liberties have never at any former period, been invaded with an equal prospect of success. The greatest advantages the tyrants of earlier ages could boast, were but temporary and precarious. The heroes that disgrace the present æra, seem to have succeeded in lulling to rest, that watchful spirit of opposition to illegal measures, by which alone the constitution has been maintained, and with whose extinction it must perish. It would seem too, that providence, as a judgment on our indolent acquiescence with their infamous designs, had taken part with our oppressors—Else to what hidden causes shall we refer the uniform success of measures, whose intention was not more detestable, than their execution has been ridiculous, while plans of operation, at once the most judicious, and the most public spirited, have been attended in every instance with disappointment. The Americans have been starved into a disgraceful capitulation. The remonstrances of the English have been received, and neglected with all the cool carelessness of resolute disdain. The first servant of the people has dared to despise their petitions, and by a contemptuous disavowal of all intention of redressing their grievances, tacitly called upon them to aright themselves. Yet careless at once of the future, and forgetful of the past, the repetition of injustice has served but to increase their submission. And while every oppression that excited their complaints, remains aggravated with the most positive denial of redress, they act as if they had mistaken the effect for the cause, and considered these very complaints as their only grievance. Upon what principle shall we account for this strange desertion of their dearest interests?—I pretend not, for my own part, to the spirit of political divination, nor will the plain light of common sense suffice to inform me, from what causes effects so miraculous have arisen, that Englishmen, with the memory of a glorious revolution

lution in their minds, ſhould tamely acquieſce in inſult added to injuſtice, and bleſs their oppreſſors, that they are ſuffered to eat the bread of infamy in peace.

It would ſeem, that familiarity had ſoftened the features of ſlavery, and that on a nearer approach, her uſual horrors had ceaſed to attend her. The Miniſtry at length proceed in their career without even the appearance of an oppoſition. Thoſe whoſe ſituation has made it their duty to inform the people of every encroachment on their liberties, act as if they had deſerted the cauſe of freedom in deſpair. The body of the nation are happy, that they hear no longer of grievances and apprehenſions—Of grievances continued with every inſulting aggravation, and apprehenſions reduced at length to a fatal certainty. Like heedleſs mariners, they glide ſecure o'er the deceitful ſurface, ignorant or regardleſs of the ruin that lurks beneath. They perſuade themſelves that all muſt be ſafe, where all is quiet, and fear no danger where they meet with no diſturbance. Villains in the mean time, eſcape the vengeance they deſerve, and their crimes ſteal into a precedent, that ſtrikes at the vitals of the conſtitution. A few years bid fair to deſtroy the work of ages; at once the nobleſt monument of the valour of our anceſtors, and the ſevereſt reproach on their degenerate deſcendants. The enemies of their country, ſee their execrable undertakings ripen beyond their hopes, and ſtartle with aſtoniſhment, that the abſurdity of the execution, has not fruſtrated their villainous deſigns.—When were the beſt concerted ſyſtems of policy ſo fortunate? When was the wiſdom of former adminiſtrations, equally ſucceſsful with the folly of the preſent? The annals of this reign will be an inexhauſtible ſubject of ridiculous panegyric. Future hiſtorians will celebrate the Georgian age, when every vice, and every folly, arrived at maturity under the auſpices of a pious prince, ſhone with more than meridian ſplendour. Future commentators, puzzled with the contradictions of his character, will be ſometimes obliged to own, that the ways of the great are inſcrutable. —Himſelf a profeſſed admirer of the liberal arts—what are we to think of the literati of his court? Let his own harangues ſpeak their excellence; their greateſt enemies can deſire no compleater inſtance. Fraught with the moſt gracious intentions in favour of his people—to whom has he delegated the power, he received for their welfare? The characters of his miniſters are too notorious to require an explanation; nor is it in the power of words, to convey an adequate idea of their qualifications. I own that his choice has proved his accurate acquaintance with human nature. He has ſhown that he thoroughly knew, what men, of all his ſubjects, were the leaſt able to govern, and the readieſt to oppreſs. We have heard much of his private virtues —whence did theſe praiſes originate? who have conveyed them to the people? Fox, Rigby, Grafton, Ellis!—Such men alone have been his intimates; ſuch alone could be acquainted with the arcana of his character; and of theſe the moſt diſtinguiſhed for every villainy, and every meanneſs, that could render human

nature

nature contemptible, and detested, have been ever rewarded with the first place, in his confidence, and friendship. A distinction has long been made between the friends of the king, and men of common sense, and common honesty. Such keep aloof from the contaminating connexion. They know that the royal favour, forgotten in this reign to be an honour, has at length become a presumptive index, to something very villainous, or very despicable.

With concern I perceive a new field opened to my labours, at a time when I expected their continuance would have been unnecessary. Vainly hoping that with Englishmen it would have been sufficient, to enumerate what they have suffered, I little thought I should ever be called upon to point out what they ought to do. *Remonstrance and complaint, are not the only weapons to be employed against injustice.* To a certain degree respect is due from every individual, to the first servants of the community. But when every intention of redressing our grievances is solemnly disavowed; when the same men are continued in office, and the same measures invariably pursued, which have already brought this nation to the brink of ruin, every distinction of rank, must submit to the general safety of the state; and villainies must be most strenuously exposed, where they may be productive of the most fatal consequences. The complexion of the times demands, that every friend of freedom should take a decisive part in the service of his country. To explain the nature of our situation and obligations, and to mark out the path that reason, heaven, and the examples of our ancestors have commanded us to follow, shall in future be the task of Junius. Deaf alike to the calls of private interest, and the fear of danger, I shall take but little pains to conciliate the regard of those, from whom at once spring affluence and oppression. Determined in my future conduct, I here throw away the scabbard, and scorn the hopes of reconciliation, where by doing my duty, I offend beyond the possibility of forgiveness. I shall not fear to make the enemies of my country entirely mine, and I esteem it as the first of honours, that I am thoroughly odious to those, to whom villainy is the only recommendation.—I know the danger of offending men, who find no difficulty in pardoning the assassins themselves have hired. Yet I shall not murmur at my fate, should my fall be of service to the cause of freedom, and I expect from the gratitude of my countrymen, that I shall not perish unlamented and alone.

JUNIUS.

The substance of Lord North's Speech at the opening of the Budget, on Saturday, May 2.

SIR,

FROM this detail of the various provisions made for the service of the current year, and of the different sources

of revenue, it appears that the whole ſupply amounts to ſix millions three hundred and twenty ſeven thouſand pounds, and that there remains in the ſinking fund a ſurplus of one million and eight hundred thouſand pounds. This being the ſtate of the caſe, the queſtion is, how this money is to be applied? And here the diminution of the public debt will naturally occur to every man, as a proper object of our attention. But what plan are we to purſue? Shall we apply it to the extinction of our oldeſt or neweſt debts, of the greateſt or leaſt ſums; or ſhall we make an equal diviſion of it among them all?—The laſt ſcheme is evidently ridiculous; becauſe the dividend would amount but to a mere trifle, and the diſtribution of it would be attended with inſurmountable difficulties. Our funds not being, like thoſe of France, compoſed of actions, or certain equal ſums, are not adapted to ſuch an operation. In order to make them more marketable, and that every one might buy or ſell as much, or as little as he pleaſed, the legiſlature planned them upon a different ſcale; and therefore we cannot eaſily avail ourſelves of ſuch a project, had we in our hands even a ſum that would operate with ſome effect. Nor will there be much equity in applying the whole ſum to the extinction of our oldeſt debts, becauſe in them ſome of the lateſt purchaſers are concerned; and it is clear that the neweſt funds have no claim of preference on any account. What then remains but to pay off with it a part of the greateſt or leaſt ſums? Upon the former it would have little or no effect, the three per cents conſolidated amounting almoſt to 40 millions: and therefore the ſame objection lies againſt this ſcheme as againſt that of dividing it equally among all the public creditors. Upon the latter it certainly would have a conſiderable effect, and indeed upon all the other ſtocks: for it would ſink the price of the other ſtocks, and raiſe the price of thoſe, to the diminution of which it might be applied. This gentlemen will ſee is an inſuperable objection againſt ever appropriating money to the extinction of any particular fund. Nor is this all the diſadvantage of beginning to pay off our leaſt debts. The principal of the national creditors will thus ſee that they are never likely to be payed; or that, if they are, the day is ſo diſtant, as almoſt to have the ſame effect as an abſolute refuſal of payment. What effect ſuch an apprehenſion would produce, I need not explain. The Committee ſees that it would prove very injurious, if not ruinous, to the great body of ſtockholders. What then, you will ſay, is the equal and impartial plan that you propoſe, in lieu of all thoſe that you have thus rejected? Having found that my former plan for reducing the national debt did not anſwer my expectations;

tions: and that the Bank does not seem very desirous of being payed the million borrowed of them upon the credit of exchequer bills, and which indeed we are liable to pay upon demand. Finding, I say this, and considering the lowness of the interest payable upon these bills, I propose that it be resolved to be the opinion of this committee, That any person or persons, bodies politic or corporate, possessed of, interested in, or intitled unto, any annuities, being part of the capital or joint stock of 3l. per cent. annuities, consolidated by several acts of parliament of the 25th, 28th, 29th, 32d, and 33d years of the reign of George the second, and several subsequent acts, which were made payable and transferable at the Bank of England; or of the annuities consolidated by the acts of the 25th of George the second, and 5th of George the third, called reduced annuities, also payable and transferrable there; or of certain 3l. per cent. annuities, which are payable and transferrable at the South Sea House, called Old South Sea Annuities and new South Sea Annuities; or of 3l. per cent. annuities, payable, in respect of 2,100,000l. granted by an act of the 24th year of the reign of George the second, for the service of the year 1751; who, on or before the 15th of this instant May, and before the sum subscribed shall amount to 1,500,000l. shall subscribe their names, or signify their consent to accept, in lieu of their interest in any part of the said principal or capital stock standing in their names, and in full satisfaction and discharge thereof, the sum of 90l. in money for every 100l. and in that proportion for any greater or lesser sum or sums, composing one or more entire sum or sums of 100l. 50l. or 25l. of such principal or capital stock, one moiety thereof to be paid on or before the 15th day of July next, and the other moiety on or before the 28th day of October next, together with the interest due on the whole capital stock, so subscribed to the 5th day of July next, shall, for every 100l. principal or capital stock, as aforesaid, so subscribed, be intitled to receive four tickets, in a lottery, to consist of 60,000 tickets, at the rate of 12l. 10s. each (and in that proportion for any greater or less sum) the said tickets to be paid for in manner following; that is to say, that every person or persons, bodies politic or corporate, so subscribing, or signifying his, her, or their consent as aforesaid, shall, on or before the 15th day of this instant May, make a deposit of 1l. in respect of the money to be paid for each ticket, as a security for making the future payments, to the cashiers of the Bank of England, on or before the times hereinafter limited; that is to say, for and in respect of every such ticket, 2l. on or before the 19th day of June next; 3l. on or before

the 22d of July next; 3l. on or before the 21ſt of Auguſt next; and 3l. 10s. on or before the 2d day of October next: That, upon ſuch payments being completed, tickets ſhall be delivered, as ſoon as the ſame can be prepared, to the perſons intitled thereto: That the ſum of 600,000l. ſhall be diſtributed into prizes, for the benefit of the proprietors of the fortunate tickets in the ſaid lottery, which prizes ſhall be paid at the Bank of England, in money, to ſuch proprietors, upon demand, on the firſt day of March 1773, or as ſoon after as certificates can be prepared, without any deduction whatſoever; and that all the monies to be received by the ſaid caſhiers ſhall be paid into the receipt of his Majeſty's exchequer, to be applied, from time to time, to ſuch ſervices as ſhall then have been voted by this houſe in this ſeſſion of parliament; and every perſon or perſons, bodies politic or corporate, ſo poſſeſſed of, intereſted in, or intitled to, any of the ſaid annuities, and ſo ſubſcribing as aforeſaid, ſhall have a certificate from the ſaid caſhiers of the governor and company of the Bank of England, of the amount of the principal or capital ſtock by them reſpectively ſubſcribed, and of all ſuch ſum or ſums of money as he, ſhe, or they, ſhall be entitled to receive, in conſideration of ſuch their ſubſcription, and in lieu and diſcharge of his, her, or their capital ſtock, ſo ſubſcribed; and the holders or bearers of ſuch certificates ſhall be paid, at the Bank of England, the ſeveral ſums of money expreſſed in ſuch certificates, together with intereſt after the rate of 3l. per cent. per ann. on the capital ſtock ſo ſubſcribed, in the manner, and at the times herein before deſcribed: That, upon payment of ſuch ſum or ſums of money, with ſuch intereſt, the whole of the principal or capital ſtock ſo ſubſcribed ſhall ſtand diſcharged, and be annihilated; and the annuity payable in reſpect thereof, ſhall, from the ſaid 5th day of July, 1772, ceaſe and be extinguiſhed.*

The ſcheme being thus laid open, I think it incumbent upon myſelf to ſhew it is the moſt equitable and beneficial, that in our preſent circumſtances can be invented, both to the ſtockholder and to the public. That it is the moſt equitable to the ſtockholder is manifeſt; becauſe none is indulged with any preference; the matter being left wholly to his own option, and to the operation of cauſes, which admit of little calculation

* The books were opened on Monday morning at the Bank at eleven o'clock. The whole was ſubſcribed before one.—The crowd was ſo great, that many people were obliged to mount up a ladder to get into the room.

culation or human controul. That it is more beneficial to the ſtockholder, will appear from conſidering that it is intended not for a ſingle effort, but as the firſt of continued exertions of the ſame kind and extent to throw off the burden of our debts, and to refund to the proprietors of ſtock their capital. The public debts being thus put into a regular courſe of payment, the ſtocks will naturally riſe, and gradually prove more and more advantageous to the proprietor, till they at laſt riſe perhaps to par; for there was a time when they were at par. Look back twenty-five years, and you will find that it is only ſince that period that they ſold for leſs than their original value. I am ſorry that they are now ſo low, and that it is not in our power to apply a more effectual remedy. But, though we cannot effect ſo great a change as Mr. Pelham, yet let us attempt what our finances will bear. It is but what we owe to our country and to ourſelves. At preſent there is the faireſt proſpect of the continuance of peace that I have known in my time. Suppoſe it then to continue for ten years: a ſuppoſition by no means extravagant. Peace has already ſubſiſted for nine years; and, if we except the flurry of 1715, and the quarrel with Spain, which hardly deſerve to be conſidered as wars, we ſhall find that peace laſted ſince the memory of man, twenty-ſeven years. Hence the hypotheſis of a ten years peace is by no means chimerical. The pacific diſpoſitions of the French King, who regulates the motions of our great rival and antagoniſt, are well known. What then hinders us from cheriſhing this hope? I know I ſhall be laughed at for forming any calculation upon ſo precarious an event. Let it, however, be remembered that I aſſert nothing as a certainty. I might as well pretend to command the tides and winds as the paſſions of men. I only aſſert that at preſent there is the faireſt proſpect of peace that I ever knew. Let us then ſuppoſe that peace will laſt ten years more. What will be the conſequence to this nation, if we continue to pay off annually one million and a half, or the ſame ſum that this lottery, and twelve hundred and fifty thouſand pounds taken now out of the ſinking fund, will produce? Upon calculation I find, that ſeventeen millions will be in that time diſcharged. Nor will this be the only advantage. The diminution of the annual intereſt payable upon the national debt ariſing from this manœuvre in the finances will raiſe the income in the ſinking fund ſo as, in conjunction with the ordinary taxes upon land, malt, and ſo on, to make our annual revenue amount to ſeven millions. Now ſuppoſe us to be at the end of this period dragged into a war. What ſum is it likely to coſt us? Not ſuch enormous ſums as when we ſtood ſingle againſt France and Spain, and

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at the ſame time protected two ſovereigns. If we embark no farther in expence than we did in the wars preceding the laſt, our yearly diſburſements will, as I find by computation, be at an average about ſeven millions. Thus then ſhall we be in the ſpace of ten years, in a condition, without any conditional taxes, to undertake ſuch wars as preceeded the laſt. And let it be remembered that, though our ſucceſſes were not ſo brilliant, though we did not gain ſo many glorious victories, nor made ſuch extenſive conqueſts, nor concluded ſuch an advantageous peace, yet we ſat down without any loſs. What prevents us from adopting a ſimilar plan of policy and œconomy upon a future emergency? We do not ſtand in need of any conqueſts. Our dominions are at leaſt as extenſive as we could wiſh; and their improvement, not their extenſion, ſhould be our chief aim. Thus we ſee, what I believe no body expected at the concluſion of the laſt war, ſome, tho' no very certain, proſpect of gradually reducing the national debt, a ſtep which will neceſſarily raiſe our credit and authority in Europe, and terrify our enemies into pacifick meaſures. For it is not only an armed force, not only great armies and great naval forces that will deter our rivals from violence, but the capacity of raiſing theſe bulwarks when occaſion calls. And the latter method is ſurely preferable to the former, which generally tempts one party or other to commit acts of hoſtility. Such is the plan of defence which ought in my opinion to be adopted by a great miniſter, who has not ſo much to dread from foreign enemies as from domeſtic foes, from the violence of faction and the clamour of diſcontent. If he has not the firmneſs and ſteadineſs of mind to deſpiſe ſuch impotent efforts, if he cannot forego the empty applauſe of the preſent moment for the ſolid praiſe that will be beſtowed upon him, when prejudice wears off, and calm reflection ſucceeds to paſſion, he has no claim to the title of a great miniſter. Thus have I proved this plan to be the moſt juſt to the ſtockholder, and the moſt beneficial to the ſtockholder and the publick. Such objections as occur to me, before they are made, I will endeavour to remove; ſuch as do not occur to me I muſt neceſſarily poſtpone till I hear them. It will be aſked why this lottery is made more advantageous to ſubſcribers than the laſt, why they are allowed a profit that will in all probability amount to four or five or ſix per cent? I anſwer that the profit upon the tickets is very caſual and uncertain; but that this lottery was framed upon a liberal plan, that being the firſt trial of a great ſcheme it might come into the world with ſome eclat and with a name that might contribute to its ſucceſs. I ſhall therefore not be diſpleaſed if the

the ſubſcribers gain four or five per cent. or even more. The difficulty of diſpoſing of tickets when the profits are ſmall, is known to every man converſant in this buſineſs. For the ſame reaſon the ſums to be ſubſcribed may amount to ten thouſand pounds, that the great men in the city may think it worth their while to be concerned. Hence, though the ſubſcription is open, and as equal as poſſible, there will be left ſome room for imputation. Some gentlemen may have more gracious aſpects, may be more alert, or even have more bodily ſtrength than others. Any or all of theſe cauſes may operate to their advantage; and if they happen to be the friends of the miniſtry, ſuſpicions will ariſe. People will inſinuate that they were ſecretly favoured. Such miſrepreſentations all miniſtries are liable to; and the preſent ought not to repine that they are not exempted from the common lot of humanity. Whatever public precautions for making the ſubſcription open could be thought of have been taken? Matters have been ſo ordered that the books may be opened on Monday, and there will be but one day to buy tickets on ſpeculation.

Subſtance of Mr. Dowdeſwell's *Speech.*

Mr. Speaker,

I am not diſpleaſed to find that the noble Lord has dropt the plan of finance, which he adopted ſome years ago; becauſe I was originally convinced from the reaſon and nature of things, and I am now aſſured by experience, that it was not the moſt eligible. The reduction of ſo ſmall a ſum, from four to three per cent. was but a pitiful experiment upon a commodity, which ſhould not have been touched but in the groſs; becauſe the purchaſe of it thus in the detail warned the public creditors to keep up the price, ſo that the miniſter's ſkill in the finances raiſed the value of the four per cents, which it is the buſineſs of government to buy, and ſunk the value of the three per cents, which it ought to ſell. This doctrine was ſufficiently explained to the miniſter at the proper time, but I do not blame him for want of ſagacity in rejecting it as I now praiſe him for not obſtinately perſiſting in this as in other ruinous meaſures, in order to evince to the admiring nation the firmneſs and ſteadineſs of his character.

But, though I thus do juſtice to him in one particular, let it not be imagined that I approve of his preſent plan. In my opinion, the payment of the million due upon demand to the Bank, would have been the proper application of this year's ſurplus. For the payment of the three per cents, you may take

take your own time; but, when called upon by the Bank, you muſt find the money, except you chuſe to violate parliamentary faith. What opportunity then ſo proper as the preſent, when money lays, in ſome meaſure, idle in your hands? Upon hearing that the Bank had ceaſed to diſcount bills, I concluded that this ſtep would be taken; becauſe I could ſee no grounds for ſo extraordinary a meaſure in that corporation, but a want of money, or capital. Knowing, as I do, the vaſt utility of credit in trade, knowing that the Bank itſelf was inſtituted upon this principle, and that it gains conſiderably by the diſcount of bills, I had no other way but this ſuppoſition to account for the phenomenon. Was it not then natural in me to expect that, though the Bank ſhould act contrary to the intereſts of trade, the miniſter, that watchful Palinurus who ſteers the helm, would have adopted this ſcheme, in order to force them to act as the public good ſeemed to require? That bills upon houſes, whoſe credit falls not much ſhort of that of the Bank itſelf, ſeemed to me quite abſurd, almoſt as abſurd as if theſe houſes had refuſed Bank bills. Certainly they may do it upon the ſame grounds, and with almoſt as good a grace. See then what diſtreſs this would occaſion in a country, which has accommodated itſelf to the moſt extenſive credit! Was not this an object more worthy of the noble Lord's attention than this drop which he has taken from the ocean of the public debts? Nor does he, as he imagines, pay off theſe fourteen hundred thouſand pounds of our debts. He only purchaſes ſo much of the ſtockholders, if they chuſe to accept his bargain. Payment ſuppoſes a tender of the full ſum due, of a hundred for a hundred. Here we have a kind of compromiſe with the public creditors; but not ſuch a compromiſe as the ſtate of the funds and of the nation required. In the firſt place it is unequal to the ſtockholders; becauſe the proprietors of different ſtocks, whoſe values at market now differ by two per cent. are to have the ſame ſum for every hundred. Ought not the miniſter to have attended to this circumſtance, and to have hit upon ſome expedient, that would have put all parties upon a par?

In the ſecond place he has been as careleſs of the intereſt of the nation as of that of the ſtockholders. By this lottery the public gains upon 150,000l. whereas in former lotteries, when there was not ſo fair a proſpect of peace, if we may believe the miniſter, it gained two hundred thouſand pounds. Is this the lucrative and beneficial ſcheme that it is repreſented? Had he in theſe peaceful, theſe halcyon days, made a more profitable bargain than was made in any former period,

riod, he would have done but his duty. But perhaps, notwithstanding the flattering appearance of an open subscription, there are some friends, some favourites to be served. It is worthy of observation that the terms of the subscription are such as will put it in the power of 150 men, or less, to engross the whole. I say less; for may not the same individual subscribe in the name of another person? Such collusion is not, I believe, easily prevented in these transactions; and particularly in this, where the profusion of the Minister throws out so tempting a bait to avarice. Were not the noble Lord sensible that this new plan of finance would not bear scrutiny, would he have supported it upon so sandy a foundation as the possible continuance of a ten years peace? The French King is of a pacifick disposition, and thereby we shall have a ten years peace.——Has the noble Lord then ensured his life for ten years? Who will answer for so uncertain an event? Suppose he should live that time, yet is not peace absolutely certain. Pacifick as he is, he was lately very near being dragged into a war by his Minister, and the fact is, that he has been in the space of less than thirty years engaged in two bloody and expensive wars. May not the King of Spain, who is of a more active and warlike frame of mind, and who entertains an inveterate hatred against this nation, strike the blow, and will the family compact force him to follow the other's example? Let it even be granted that these apprehensions are groundless, yet it will not follow that at the end of ten years we shall have saved seventeen millions, and added seven hundred thousand pounds a year to our revenues. For I observe, that it is the maxim of administration to encrease our expence according to the encrease of our income. Will the Minister in the course of ten years, talk of no new establishment, no payment of civil list arrears? I do not assert that this will be the case; I only suggest the possibility of it. Besides, who will take upon him to say that the revenue may not decrease? According to the noble Lord, it has actually decreased this year; or, at least the money expected has not come into the treasury. But where is the wonder, when such little care is taken in the appointment of proper collectors? Sir W. Yonge, who was, if he is not now, a Lord of the Admiralty, is a proprietor, purchaser, and commissioner in the newly ceded islands. I do not mean to impeach the character of this gentleman; but I think it is not in human nature to do justice in so many capacities. One comes with his bag of gold, another comes with his bag of diamonds, and flesh and blood cannot withstand them. The Minister, therefore, needs not be surprized, that the expected sums have not come into the treasury. If the rest of the commissioners be on the same footing, the failure was unavoidable.

But why would this careleſsneſs in adminiſtration give any concern to us, who have allowed them to grant, without any examination, ſuch large ſums for American extraordinaries. In that department there is no check, no controul upon adminiſtration, and thoſe whom they may chuſe to appoint. We have never ſeen any eſtimate of the probable expence; not a ſcrip of paper has been laid before us, in order to enable us to form ſome idea of the ſums proper to be granted for that ſervice. How are we to account for the embarraſſed ſtate in which theſe matters are left? Is it uncharitable to ſuſpect that this confuſion is intentional, that it may be the more difficult for parliament to detect any malverſation, any extravagance or peculation?

The ſame ſpecies of reaſoning is applicable to the navy, of whoſe ſtate we have heard ſuch wonders. Laſt year you voted forty thouſand ſeamen. Thirty thouſand only were raiſed. But has the money intended for their maintenance been hoarded up, and brought to the account of ſavings? By no means, Sir, the whole has been ſpent. The groſs ſum of five hundred thouſand pounds, which you voted for a particular purpoſe, has not been applied according to your expreſs orders, but been diverted to another ſervice. Is this diſcretionary power in the admiralty to be tolerated? Is it to be allowed to expend ſuch an immenſe ſum as two millions, for that is the ſum voted laſt year for the ſea ſervice, as it pleaſes; and then to ſend us in only a general account of its diſburſement, without producing a ſingle ſcrip of paper, a ſingle voucher, to ſhow how, or when, or where it was laid out? I am amazed that the miniſtry ſhould have attempted to ſlur over ſo capital a point. Single as I am in this opinion, and, late as it is in the ſeſſion, I cannot help entering my proteſt againſt this method of diſpoſing of the public money. In another ſeſſion I ſhall certainly move for an enquiry into this dangerous practice, and try a diviſion upon an œconomical queſtion. If Lord Sandwich is to have the arbitrary diſpoſal of ſuch a prodigious ſum, well may he boaſt of having put the fleet in excellent condition. But no thanks are due to him, but to your bounty. It has been lately the cuſtom to extol Lord Sandwich, and to depreciate Sir E. Hawke and Admiral Saunders. But when had they five hundred thouſand pounds extraordinary to ſport with? Want of money, not want of ſkill or vigilance, kept the fleet, while they directed the Admiralty, in ſo weak a ſtate. The noble Lord has given us a picture of a great Miniſter. Let me be indulged with liberty to throw out my ideas on the ſame ſubject. In my opinion a great miniſter does not ſhow his firmneſs ſo much in deſpiſing the clamours

mours of his fellow-citizens, as the threats of his country's enemies. A great Minister will not suffer his Majesty's dominions to be seized, nor the British flag to be insulted with impunity. He will not see the nation put by an enemy to an enormous expence in warlike preparations, and require no indemnification. He will have a head to plan, and a heart to execute, measures of his own, and not be the mere instrument of another. He will not one day give orders for a naval armament, and in five days, a space of time too short for receiving a more favourable answer from the continent, countermand those orders. The fleet I allude to was intended, as is evident from its being to rendezvous in the Downs, against some northern power. Could any fresh dispatches have arrived from any Northern Court in five days? What then was the object of this fleet? Can any one tell us? After such a recent and unaccountable fluctuation of counsels, does not the Minister talk with a peculiar grace of manliness, steadiness, and firmness, and other Roman virtues?

Mr. Jenkinson said that the difference of one or two per cent. in the price of some of the stocks, was a matter of little consequence; that to-morrow there might be no difference, as the price of stock was so very fluctuating; that at any rate it was impossible to invent a scheme that would be entirely unexceptionable and equal to all parties; that an approximation to an equality was all that could be expected; that Mr. Dowdeswell was mistaken in supposing that government had gained two hundred thousand pounds by lotteries of the same kind; that it had gained only 180; that the magnitude of the present plan, and the advantages arising from its success, called for a little liberality in the public; that when he heard of the Bank's forbearing to discount bills, he entertained the same opinion as Mr. Dowdeswell; that the noble Lord being of the same opinion, had asked the Bank, whether they wanted to have the million in question payed; that they declined the offer; that he thence concluded the Bank had not discontinued the discounting of bills for want of cash: that he believed their motive in this measure was to prevent the exportation of our coin by Jews, who by this iniquitous traffick made a shilling upon every guinea, and received bills of exchange in return; that, as this was the real state of the case, the scheme now offered by the noble Lord was the only sensible way of serving the public that remained; that as to the American extraordinaries, orders had been given for sending in such papers as would enable the treasury to form an estimate; that from some cause or other, which he did not know, these papers were not yet complete; that he hoped they would

in another year be complete, and that then the house should have the satisfaction required: that, with respect to what had been said of the navy, he would be silent, and allow those, whose province it was, to explain that matter; that the favours which he had received from the Minister left his testimony to his integrity and uprightness but little weight, but that, as far as his word would go, he must upon the principles of gratitude and justice, free him from all imputations of selfishness or negligence in the management of publick affairs.

Mr. Hervey said, that the money granted by parliament was properly laid out by the Admiralty; that he meant to have that day produced to the House the papers which gave an account of its expenditure; but that in the multiplicity of other papers they had been mislaid; but that he would endeavour to bring them on the following day; that he knew of no orders given to fit out a hostile armament; that, for ought he knew, the fleet in question was no more than what he hoped we should for the future see every year, a fleet ordered to rendezvous for the purpose of going through the naval evolutions and of forcing every man concerned to keep our ships in good repair, and of proving to the nation, and to all the world, that our grand and natural bulwark is in the best state of defence.

Mr. Cornewall said, that he entirely agreed with Mr. Dowdeswell in what he had said with regard to the navy; that, though so nearly connected with the sea service, he yet could not help entering his protest against allowing the Admiralty a discretionary power of applying such an immense sum of money in what manner they pleased; that he congratulated the noble Lord upon his relinquishing the plan of close lotteries; that the only list of subscribers ever shown to the House was the most disgraceful to the Minister that could be imagined; and that he hoped for the sake of his own character the noble Lord would never more plan a close lottery; that while such transactions stared parliament in the face, it was in vain that his friends and dependents vouched for his disinterestedness and generosity.

Lord North replied, that in his opinion Mr. Jenkinson had satisfactorily answered Mr. Dowdeswell's objections to the lottery; that however severe that honourable gentleman's reflections might be upon him, he would not repine while they tended to the public good; that, as to the money arising from the sale of lands in the conquered islands, he could not explain the reason of its not reaching to the Treasury, but the fact was, that it had not yet reached it; that he understood

ſtood the gentleman who ſuperintended that buſineſs was on his paſſage home, and that he doubted not he would ſatisfactorily explain the myſtery; that, with reſpect to Sir W. Yonge's poſſeſſing ſo many places, the preſent Miniſters were not peculiarly blameable; that no complaint had been preferred againſt him; that he acted, and with ſatisfaction, in the ſame capacity, during two former adminiſtrations, in one of which Mr. Dowdeſwell bore a capital part; that the honourable gentleman had his leave to repreſent him as a bull or bear, or lame duck in the Alley, if he pleaſed; that there were good grounds for ordering out a fleet, and good grounds for countermanding it; that every thing was obtained, which could be obtained by a fleet; that, except he was commanded by the Houſe, he could not think it proper to diſcloſe ſo delicate an affair; that time would diſcover it, and fully juſtify the conduct of adminiſtration; that Mr. Dowdeſwell accuſed him unreaſonably of having no plan of his own, as it was enough if he approved of another's ſcheme to make him adopt it; that to come into the houſe, and ſay, "This is my plan, I framed it, and you muſt embrace it," would be ſuch arrogance and preſumption as the Commons of Great-Britain would never endure; that he never meant to apply to himſelf the character of a great Miniſter which he had given; that it flowed naturally from the reſt of his diſcourſe; that any man in the Houſe, and particularly Mr. Dowdeſwell, would execute better than himſelf a truſt, which, however, he endeavoured to diſcharge faithfully, and ably as far as his talents would go.

The Subſtance of Mr. Burke's *Speech.*

Sir Charles Whitworth, I do not riſe ſo much to diſcuſs the new plan of finance propoſed by the miniſter as to offer my ſentiments upon certain unconſtitutional doctrines, which he has advanced. The right honourable gentleman, who ſpoke ſecond in the debate, begs to know the reaſon of the contradictory orders lately iſſued from the Admiralty; for, notwithſtanding the pretended ignorance of an honourable gentleman, who ſits at that board, ſuch orders, I find, were actually iſſued. The noble Lord does not deny that we have a right to enquire into this, as well as into all other matters, that affect the commonwealth. But how would he have us inſtitute this inquiry? What plan does he chalk out to enable us to come at the proper data, at the facts, upon which our deciſion muſt depend? Why he refers us to time. Time is the ſole oracle to whom we muſt apply for the ſolution of all our doubts and difficulties. From the miniſter no information

mation is to be expected. These secrets, as too sacred to be trusted to our profane keeping, he preserves locked up in his own breast. How long is it since we became thus unworthy of having whatever affected the honour and dignity of the nation communicated to us? There was a time when ministers thought themselves bound to account to this assembly for their conduct; but it is now no more. If we call upon those who are in responsible offices for any necessary information, they desire us to go and consult time. The ancient parliamentary mode was to apply to the Treasury, to the Admiralty, or directly to the Sovereign; but now we must turn our eyes to time. A very useful invention this to administration; for it will render any enquiry into their conduct very difficult, if not impossible.—Sir, I am not surprised to find the house so very disorderly; for the matter under consideration is of so very little consequence, that it does not deserve their attention. The publick entertain the same opinion; for you see the galleries are like to break down with the weight of strangers, as you are pleased to call the people of England. How well this circumstance proves the existence of that sympathy, which ought ever to subsist between the electors and the elected! But where is the wonder? The discussion of a plan of finance new in its kind, and extensive in its effects: a plan, upon which the minister means to build the salvation of this country, is to them an object neither of curiosity nor of interest. They treat it, as if it affected their constituents as little as themselves. But why do I talk of constituents? They have been long out of the question.—Sir, I protest, this a mere parliamentary farce, and you act a great part in this farce. I see I shall be called to order. Be it so. I will do my duty, and speak my sentiments without reserve, I repeat it, this is but a grand parliamentary farce. The minister comes down in state, attended with his creatures of all denominations, beasts clean and unclean; for the Treasury, as it has been managed of late, has been worse than Noah's ark. With such, however, as they are, he comes down, opens his budget, and edifies us all with his speech. Well; he sits down. What is the consequence? One half of the house goes away. A gentleman on the opposite side gets up and harangues on the state of the nation; and, in order to keep matters even, another half retires at the close of his speech. A third gentleman follows their example, and rids the house of another half—*(loud laugh through the house)*—Sir, I take the blunder to myself, and express my satisfaction at having said any thing that can put the house in good humour. Whether the house be emptied by

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one half, two halves, or three halves, the public is equally deserted. While gentlemen will not only not attend their duty in parliament, but disturb and confound those who would preserve at least some show of conscience, how can I help calling this a parliamentary farce? Sir, it is an egregious farce, and the nation sees and feels it. But what care they? They are firm and steady, and despise the clamours of faction. Sir, when did you hear of an odious ministry that did not call the clamours of the people the clamours of faction? I am not surprised at their firmness and steadiness; I mean their firmness and steadiness in keeping their places. Who that is destitute of conscience and that laughs at the murmurs of his fellow-subjects, would not in this house, surrounded by a complaisant majority within doors, and defended by forty thousand men without doors; who, I say, thus disposed, would not show as much firmness and steadiness as our intrepid ministers? But have they discovered the same firmness in negociating with our enemies? that is the question. There is not a lisping infant that will not answer in the negative.

Having said thus much, let me join my honourable friend on the floor in protesting against this new and dangerous mode, which has been lately adopted of diverting sums appropriated by parliament to particular purposes from the specified services. If this practice be allowed, I do not see for what purpose we assemble here, and assume the name of the people's representatives. Give but a discretionary power of this sort to any man, and he will render it impossible for you ever to know the detail of every service, or to detect him in any fraud or peculation. Far be it from me to charge Lord Sandwich with any thing of this nature. No, Sir; such an attempt would be vain: The public knows him to be a man of pure hands and hallowed heart; in short, an Israelite indeed. An attack therefore upon his character would be as ridiculous as impotent; it would be only biting a file.

And now, Sir, indulge me with leave to say a few words upon the subject of military establishments.

The practice of keeping on foot large standing armies in time of peace, though not absolutely modern, (for we read of such an institution in ancient times) is new to the extent it is now carried in Europe. Charles the V. was perhaps the first great Monarch that set the example. Lewis the XIV. trod in his steps. But what was the consequence of their mighty efforts? In time of peace they exhausted that strength which they should have reserved for war. Those young and vigorous men, whom they kept in idleness, should have by their in-

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duſtry and labour added to the wealth and population of the ſtate. Hence, when they entered upon real action, they found themſelves deſtitute of the ſinews of war, of wealth, of proviſions and money, and of recruits of men, without which veterans ſoon moulder away, and convinced them of the ſhortſightedneſs of their politicks; while their adverſaries, though a little embarraſſed at firſt, improved daily, and went on from ſtrength to ſtrength, till at laſt they proved ſuperior. It is therefore with regret that I ſee our military and naval eſtabliſhments conſtantly upon the increaſe. At the end of every war it gains ſomething. Eight thouſand men conſtituted our ſtanding army at the cloſe of King William's wars. It gradually roſe from that number to ſixteen thouſand; and now it ſtands at five and twenty thouſand. The Iriſh army was augmented in the ſame manner from twelve thouſand nominally to fifteen thouſand; and yet I will venture to ſay that Ireland is not better protected nor ſecured in any ſhape than it was before the augmentation. Upon the ſame plan our ſeamen are augmented. In ſhort, all our expences of every kind are conſtantly riſing not only according to the prices of things (a misfortune which will neceſſarily attend the increaſe of ſpecie) but alſo according to the lapſe of time. Every year adds ſomething new to our diſburſements. What will be the conſequence of this profuſion? In vain do our revenues encreaſe—a ſuppoſition indeed which does not ſeem juſtified by this year's accounts, if we thus eat our corn in the blade, and ſpend our ſtrength upon the empty air: if we thus draw our ſwords before the day of battle comes, and exhauſt upon the parade what ſhould be reſerved for the field, we ſhall certainly find ourſelves in the ſituation of Lewis the XIV. who with an army of three hundred thouſand veterans, found himſelf at laſt unable to cope with this nation, who had entered the field with leſs than ten thouſand men. It muſt be confeſſed, that at firſt we are in ſome confuſion, or as the noble Lord elegantly calls it, in a flurry. But we ſoon recover. We are naturally warlike, and in a ſhort time learn tacticks. Poſſeſſed of wealth, poſſeſſed of people, poſſeſſed in ſhort of all the ſinews of war, we every day gain upon the enemy, and his ſpirits ſink as ours riſe. This being evidently the ſtate of the caſe, what can we mean by imitating thoſe two ſtates of Germany, who are gradually waſting one another's ſtrength by an armed peace, and who are every day ruining their ſubjects for the ſhow of an army, which in time will moulder away, and leave a dreadful waſte behind? France has diſcovered the bad policy of keeping up a large army, and has therefore begun a

plan

plan of reduction. While she is retrenching, ought we to add? Let us return to our old policy, by which we grew great and glorious, and trust to our own native bravery, and the strength of our insular situation for our defence. Formerly our militia was nothing. Now it is added to our annual expence. When it was established, ought not the regulars to have been proportionably reduced? But the Minister will say what could be done? When France sent an armament to any part of the world, were we not forced to send out an armament of observation? If they sent a fleet to Mauritius, did not prudence require that we should send out a fleet to watch their motions? By no means. If you follow this plan, you teach France and Spain the true method of ruining you. The most prudential method of proceeding in those cases is this.—You have ambassadors at foreign courts, and if they be vigilant, they may give you intelligence of all the motions of your rivals. Without their knowledge they can send out neither fleet nor army. As soon therefore as you learn that they have taken any step that indicates hostility, demand an explanation, a categorical answer with respect to the destination of the armament; and let them know that they shall answer in Europe for any hostile measure they take in Asia or America; that you will not be pursuing them from place to place, but strike a decisive blow where it is most convenient; that instead of keeping a fleet in the East or West Indies, you will seize their merchant-men, burn their harbours, and destroy their men of war. This is the true way of dealing with France or Spain. The law of nations has established it as a maxim, and to the observance of it at the beginning of the last war the king of Prussia owes that great and glorious figure which he now cuts in Europe. Would it be unworthy of our Ministry to imitate so great a politician?

Mr. Burke also observed, that he was very well satisfied that the practice, as now managed, was not only new, but unconstitutional; that, till now, it was never heard that the Admiralty, instead of giving a minute detail of the application of so large a sum as five hundred thousand pounds, laid out according to its own discretion, told the house in general that it was expended upon the navy, that some regulation in so essential a point, was, for the future, absolutely necessary.

Constantine Phipps said, that the merit of Lord Sandwich consisted in having insisted upon being the sole director of the navy, and refusing to undertake that department, if he was not allowed more ample powers than his predecessors; in short, if he was not to be his own master, but the deputy

of another man. If this state of the case was true, his conduct, he said, was certainly meritorious.

Mr. T. Townshend said, that many members had misunderstood what was said by Mr. Dowdeswell, with regard to the navy; that he did not accuse any man of malversation, but blamed the House for not insisting upon a minute and circumstantial detail of the expenditure of the money laid out upon the navy; that he was convinced the troops we had stationed in the West Indies answered no good purpose; that the West India islands must be protected by our shipping, not by our soldiery; that European soldiers found that country only a grave; that by accident he had seen a regiment returned from their two years service in that part of the world, and that they were reduced to seventy men; that their successors in the same period of time would be equally reduced; that for these reasons nothing was more impolitic than to keep up so large an army, which in case of necessity must prove ineffectual, as it was merely nominal; as it swallowed up as much pay as if it was complete, and was incapable of any real service.

Lord North said that he agreed with Mr. Burke in the general principles which he laid down, and that no man laid them down in a more agreeable and convincing manner; but that general principles were not always applicable to particular cases; that the armament in the East Indies was sent out as a fleet of observation to prevent any designs of the French in that quarter; that France had a considerable force stationed at the Mauritius; that that force was obviously intended against our dominions in India; that self preservation called for preventive measures on our sides; that the Ministry would have been blamed, and justly blamed, if they had not taken this step; that, when our rival withdrew her forces, ours would naturally follow; that, in consequence, our navy would be lessened by six ships; that, when this event actually took place, he was of opinion that we should return to our old establishment of sixteen thousand men; that he would join issue with any man in making any reduction that was consistent with the general safety; that the reflections cast upon the disbursement of the money appropriated to the service of the navy, were ill founded; that the Admiralty was not, by the grant, confined to such narrow limits as were usual in other cases; that, however, those who sat at that board were answerable for any misapplication of the money allotted for the sea-service; that he was persuaded it had been on this occasion properly applied; and that it was at any time in the power of the House to be convinced of it.

To

To the PRINTER.

SIR,

I Attended when the Budget was opened at a certain place. This is the important day of every session, when the Minister attempts to give to parliament a state of the national accounts, and proposes his plan, for applying the surplus of the Sinking Fund. The Minister upon the present occasion stated the accounts, I doubt not with sufficient accuracy; but I am sorry to say that the result of the whole affords a very melancholy prospect to this country.

I remember to have been present three years ago, when the same Minister opened his budget; at that time there was a surplus of *one million and a half* out of the sinking fund applicable to the payment of our enormous debt, and he explained to us in a clear manner how that surplus would increase, so as to afford two millions at least yearly, to be applied to the same purpose. The preparations for a war with Spain prevented our paying off any debt last year, the whole surplus of the sinking fund, together with one shilling in the pound additional land-tax, having been applied for the services of the year, and now when we come back to a year of peace, in place of *one million and a half* out of the sinking fund to be applied to our debt, we find that we cannot afford more than about 900,000l. It is true that the total sum applicable to the payment of debt this year, as stated by the Minister, amounts to 1,200,000l. but in this is included, 1st, a saving of near 200,000l. upon the sum voted last year, on the prospect of war, for the army; and 2dly, a surplus out of the sinking fund of the preceding year, arising from this, that in stating the ways and means last year, the sinking fund was taken for less than it was expected to yield, and has actually yielded. These two sums, with some other temporary savings, make up the 1,200,000l. applicable to the payment of debts this year; and by the help of a lottery, and the paying off the 3 per cent. at 90 per cent. instead of 100 per cent. it has happened that the diminution to be made of the debt this year will amount to a *million and a half*.

Upon the state of the accounts the Minister told us, that by pursuing the same plan, and supposing a ten years peace, we should be able to pay off about seventeen millions, two hundred thousand pounds, during the next ten years; and that our revenue by that time, exclusive of the interest of our debts, would amount to about six millions yearly, because it would be increased by means of the interest of the debt paid off, and by

the reduction which about that time will of itself take place upon the interest of the 4 per cents. and 3 1-half per cents.—Out of these six millions the expences of the year for the navy, army, ordinance, militia, and other services, being deducted, there would remain a considerable surplus for annually extinguishing our debts, or in case of a war, for answering our extraordinary expences without any new tax; for he told us, and very truly, that during the war which begun in 1739, and ended in 1749, the total supplies, at an average, did not exceed six millions per ann.

Such was the flattering account given of our situation by the Minister on this annual day of ministerial triumph; but however pleasing it may be to view matters in a flattering light, I cannot however permit the public opinion to be misled with regard to our real situation; nor the minds of men to be so dazzled and imposed upon, as to make them overlook the blow which has been lately struck to the vitals of this country, and to the national credit, by this Minister and his associates. When I say this, I am not his enemy, nor do I under-rate that degree of merit which he certainly possesses. I do allow that he is a man of fair character, possessed of considerable talents; but of more plausibility, and incapable, I dare say, of any thing glaringly dishonourable, or grosly interested: that he suffers himself to be made use of as a tool, is but too apparent; and I absolutely deny that he possesses the talents of a great Minister, which comprehend, in my mind, a great deal more than a readiness at the snip-snap and dull repartee of the House of Commons. I would ask if the line he has taken in the great affairs of the East India Company bespeak the talents of a man even of middling capacity? and what shall I say of his total ignorance, or total inattention to the interests of trade, and his aversion to undertake any thing however necessary for the public, which is likely to require either trouble or exertion? But without entering into minute particulars, I must beg leave to call the attention of the public to his conduct with regard to one of the most interesting objects in the affairs of this country.—I mean the payment of our public debts.

It is well known that Sir Robert Walpole first established the sinking fund, which had the appearance of a very public-spirited measure; but wise men foresaw, even at that time, the improper use to which it would probably be applied. The plan of the sinking fund was to levy more money yearly upon the people, than was necessary for answering the current service, and the interest of debts, and to apply that surplus to diminish the capital of the debts. The fund set apart for this

purpose

purpose has gradually increased, and is still likely to increase; but as early as the year 1732, the system was broke thro', and applied to other public services: the encroachments thus begun have been continued, and have been at last carried to such a height, that it now plainly appears, that this plan, so wisely meant, has been attended with the worst consequences: for not only has the confidence in this fund induced the nation to launch out into the most enormous and unjustifiable expences during the last war, but it has also been the real source of that amazing increase of our peace establishment, which threatens destruction to the liberties of this country, as well as to every branch of our national credit.

People in general are not informed, that the establishment of this country, or in other words, the annual expence of our navy, army, and other services, during the peace that succeeded the treaty of Aix la Chapelle, was much the same as it had been during the preceding peace; but the establishment which took place immediately after the conclusion of the last peace, exceeded the expence of the former peace establishments in near a million and an half; and as a great part of this fell upon the sinking fund, the credit of all our stocks sunk, and have never since revived: whereas after the preceding war all our funds continued above par, which enabled Mr. Pelham to make that great reduction of the interest of the national debt, which did him so much honour. The great articles of this additional expence arise, 1st, From the keeping up near double the number of regiments, and of officers. 2dly, From the army kept in North America, when a small force properly arranged would have answered every useful purpose. 3dly, From the increase of the navy, and various other charges. The tendency, and I dare say the intention of every one of these additional charges was to increase the power of the crown, and to obtain an uncontroulable influence in both Houses of Parliament. The additional number of officers plainly and directly tended to this. The American army afforded a pretence for various contracts, which are now actually enjoyed by Members of Parliament; and if the plan of taxing America had taken effect, an infinite number of new offices would have sprung up to be enjoyed by Members of either House, and executed by deputy. The increase of the navy, and the arrangement of the guard-ships, contributed also to the same end.

All these consequences may be justly ascribed to our possession of a sinking fund, for no Minister would have dared to propose new taxes to support such a system of extravagance.

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If these measures were bad, what shall we think of the stroke struck at the national credit by the present Minister? The public will hardly believe that the late dispute with the Court of Spain has afforded a pretence for increasing our enormous annual peace-expence about half a million, which is equivalent in effect to the contracting in time of peace a fresh debt of seventeen millions. In short, the present Minister has incurred by this arrangement as much debt in one day as by his own account of the matter he will be able to pay off in ten years, supposing, what is highly improbable, that peace should continue so long. By this large addition to the peace establishment our annual expences now exceed the establishments during the two former periods of peace in no less a sum than two millions yearly.

The sinking fund now produces about two millions seven hundred thousand pounds yearly; every farthing of which ought, in justice to the public creditors, to be applied to extinguish the debts; but it appears that out of this large produce no more can this year be applied to the payment of debt than about nine hundred thousand pounds; the rest being eat up by our increased annual expences. No wonder that our stocks continue under par, when by an absurd and unnecessary increase of our expences the fund appropriated for extinguishing our debts is profusely lavished, and when we make a parade of paying off a million and a half this year, while at the same moment we in effect contract a debt of seventeen millions.

The good character or good disposition of the present Minister are of no consequence to the public, since he adopts and supports measures which are so evidently destructive.—Few people believe that these measures are his, but he is equally answerable for them as if they were his own. It is plain that either he, or those who direct him, have adopted the absurd idea, that a great and expensive peace establishment is necessary for this country, although the experience of France has shewn the destructive tendency of such maxims. Every body knows that the peace establishment of France has done more to ruin that great country than all the wars in which she has been engaged; and that she now begins to reduce her expences when we, by a strange fatality are hurrying on to increase ours. This idea of keeping up a constant great force is a common and vulgar prejudice, but unworthy to be adopted by a great statesman. It flatters indeed the vanity of a prince, and is constantly practised in despotic monarchies. We see upon the continent at this hour two great states endeavouring to vie with each other in time of peace in the number of the troops, and the greatness of their military establishments, struggling, as was well expressed by a great speaker, to

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out-flank each other in time of peace. But in a government like ours, it tends directly to despotism, which will draw after it, with other dreadful consequences, a further increase of unnecessary expences, new taxes, decline of trade, ruin of public credit, justice administered by successive Lord Mansfields, universal dejection and servility, and no chance of any change of misery, but the invasion and conquest of a foreign enemy.

I cannot conclude without doing justice to two persons, who in the course of the debate which succeeded the opening of the Budget, discovered great knowledge of our national affairs, and very just ideas concerning the erroneous system which has been of late adopted. The persons I refer to are Mr. Dowdeswell and Mr. Burke; the first of whom explained in a much clearer manner than I have done the shameful increase of our expence, and the depredations which have been made on the sinking fund. The other exposed, with the greatest perspicuity and eloquence, the absurdity of supposing that our safety against a time of war depends upon exhausting our resources in time of peace. Many other gentlemen threw great lights upon the subject; and I will venture to say that no day of a Budget ever afforded less matter of triumph to a Minister of this country.

A. Z.

To the PRINTER.

SIR,

WHEN the Minister's speech was published, I made those animadversions which the subject itself suggested. The merit Lord *North* assumed to himself when he opened the *Budget*, I plainly demonstrated was built upon so *weak* a foundation, that the rational part of mankind could never join in the ministerial plaudit.

According to the present system of finance, we are, it seems, at the expiration of *ten years*, to have saved *seventeen millions*, besides an addition of *seven hundred thousand pounds a year* added to our revenues. This calculation is founded upon the whimsical supposition of the continuance of peace for that term of years. If therefore, from the face of things at present, peace is not likely to continue so long, the Minister's scheme falls inevitably to the ground.

Mr. *Dowdeswell* hints at the *Family Compact*, and with great propriety urges *that* in proof of a speedy commencement of a war. I grant, from the conditions contained in *that* agreement, the

the parties must and will avail themselves of the first opportunity, which may enable them to throw off the mask, and attack Great-Britain with success. But I will go farther. I affirm, that in case such instrument as the Family Compact had *never existed*, it still would have been the *interest* of both the French and Spaniards to commence hostilities, whenever their finances were recruited, and their armament was upon a respectable footing.

The French have large possessions in *America*; they have many settlements in the *East Indies*; they have a share in the *Newfoundland Fishery*. Now these are either *National Emoluments*, or they are *not*; if they *are*, is it not extremely natural that they should aim at *increasing* what must contribute to aggrandize the House of Bourbon? Who that is in the least degree acquainted with the policy of nations, but what must accede to this proposition, that two *powerful* yet *rival* states, whose views, whose plans and object are in a manner the same, will for ever be at variance? The most *pacifick* state, to such nations, is only a short *suspension of hostilities*. Apply therefore this reasoning in all its variety of combined circumstances, to England, France, and Spain. Take into consideration America and the East Indies: view but with a rectitude of judgment the interests of our enemies, and to every man of sense it will be evident, that the commencement of the millenium is full as likely to happen *to-morrow*, as that which the Minister calls *peace*, should continue for the space of ten years.

But granting even in *the face of probability*, that peace *should* continue, the calculation made by the Minister is in many respects erroneous; how is it certain that we shall have saved seventeeen millions? Who can foresee that no emergencies may happen which will enhance our expences? Who can tell what unexpected demands may be made upon the treasury? Is Lord North endowed with second sight? Hath he learnt that quality from the group of Highlanders with whom he converses? Or can his bosom friend, Tom Bradshaw, read the stars? However, the Minister forgets, that the time is hastening, when *douceurs* upon *douceurs* will be wanting to keep him and his colleagues in office. The general election is a *certain* event, who can calculate with any exactness what sums the *greedy hirelings* may require? Desertions from the ministerial standard are no uncommon things, and it will require all the œconomy of the *King*, and dextrous management of the *Minister*, to secure a majority in the ensuing parliament, without *emptying the treasury*.

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But we can easily discern Lord North's meaning, when he talks of saving seventeen millions; he means it as a proclamation to keep his party in spirits, and the language of that part of his speech should run thus:——"This is to give notice to all Gentlemen who now are, or hereafter *hope* to be, in office, that *I* FREDERIC LORD NORTH intend to conduct matters so advantageously, that such persons as intend at the next general election to dispose of themselves, *souls* and *bodies*, together with their *wills* and *opinions*, shall be amply rewarded in proportion to the sacrifices they shall make, for which purpose I am determined that *no insult* from any foreign power, prince, or potentate, shall be *retaliated*, but that this nation shall *bear all things*, and *endure all things*, to remain in *peace*, in order to give *me* an opportunity of saving *seventeen millions* for the purpose of obliging my friends, and of this they may rest assured, and act accordingly.

By his Majesty's command,

NORTH.

A WHIG.

To the Public, and to the Subscribers at the Chapter Coffee-House *to reduce the Price of Provision in particular.*

GENTLEMEN,

YOUR laudable zeal in the attempt to mitigate the distresses of the people, reflects the highest honour on you, and commands the plaudit of a generous tribute to God and man for the blessing of affluence. The merit is compleat, by the judicious intimations in you advertisement, that the opinion of every person will be well received by you: a circumstance requisite at this time, when the House of Commons, in whom the redress of this grievance properly centers, are totally inattentive to it. Supported by the old maxim, that "among the multitude there is wisdom," and prompted by a hearty desire to promote the tranquility and prosperity of this country, I am led to tender my mite towards so salutary a work, although conscious that the difficulties attending the adoption of language and plan to make it worthy of practical notice, are so many, as almost to exclude the most distant hope that it will answer any other end, than to direct the sentiments of others on this important subject to different considerations. My task shall be at present chiefly in endeavouring to prove, that the high price of provisions hath its rise, progress, and support from the lascivious consumption, weakness of the people, and police of the metropolis; from whence it will be evident, by removing those causes so much of the effect ceases,

 and

and so far its sure destruction attends the exercise of humanity and prudence in this great magnet of the nation, whose riches uncontrouled are in profuse circulation, and have brought us to the brink of beholding the kingdom involved in a scene of destruction, by extending avarice, oppression, and famine.—The country being colonies solely dependant on the capital, fenced on all sides by nature with restraints, the inhabitants are obliged (through the necessity of existence) to comply with all reasonable mandates from this their great mart; from whence it is plain, if the hand of cards is well played here, the leading game is your own, and they cannot play a trick but what you grant them.

To the misfortune of mankind, the master hand is now strolling about the country, revelling in a few disorderly hands. Blessed will be the man who brings it back by the present and succeeding generations. To canvass this matter a little further; what would the manufacturers do without the metropolis? What would the farmer's increase be to him without the consumption of both? How could the farmer be enabled to pay double rent, were it not for the folly of the metropolis purchasing his increase at double the value it hath yielded for ages past? How could the land-owner receive, or expect to receive that double rent he imposes, (on the half of which his predecessors lived usefully and contented) if he did not trust to the inattention and luxurious folly of the metropolis, which he sees to be wholly inattentive to the support of the general plan on which a trading nation can exist; and fordidly observing that the farmer's cunning over-reaches all policy, and government is determined to share the plunder with them. These relaxes in calculation in the metropolis (where the true equilibrium of the prosperity and happiness of the people centers) are the cause of every evil we are oppressed with; for there are laws and powers invested in the magistracy of London, sufficient to crush in their infancy every rising inconvenience on manufactures and provision, (See Burn's Justice.) But admitting they are deficient, Government is at hand to strengthen them. Then why make so many difficulties, when (by enforcing the united power) the remedy is so easily effected? But the magistrates of London, instead of discharging the duties of the office they solicit to fill, are wrangling with each other about their understandings and conduct. If they did their duty solidly and usefully, the people would soon be generous in their opinion and applause. Erroneously chosen, they are weak, impatient, and miserable, without clamour at their heels wherever they go.

It is to the reproach of all government we behold the works of the Almighty in full perfection: the earth brings forth its fruits, the air its fowls, the sea its fishes, they are, have been, and will be, according to his accustomed goodness; the same to all generations. It is the base neglect and sordid machinations of man which interrupt their harmony, and frustrate his benevolent provision for all his creatures. We are blessed with no visitation of plague, pestilence, murrain, or war; the seasons are as they were wont to be, and some thousands of acres have lately been made arable, in which seed was never sown before; but to what purpose, if we suffer such abuse from rapacious men? What becomes of the corn, when it is a well known truth, that until these seven years last past, this country on an average, without that addition of land I last mentioned, exported grain to other nations, to near yearly the amount of a million and a half sterling? This was one principal source of our great riches, which is daily diminishing by the exportation of more than half a million annually in specie for the importation of the same commodity—Speak, ye departed six-and-thirties and seven-and-twenties which revelled in this land—A degenerate trade, not known in the memory of man, till within the above-mentioned period of time. This proves the fallacy of the opinion of many, that it is the increase of national wealth which hath raised the price of things. Add the two sums together of what used to be drawn hither, and is now sent out, and we shall find the amount fourteen millions, which we ought, according to former times, to have circulating more among us. A very necessary fund to bear a part of the amazing interest paid annually to foreigners on national debt —A debt increased, as it stands at this time, more than forty millions within the last sixteen years. I am further strengthened in my assertion of the decrease of wealth in this kingdom from my own knowledge, that we suffer every nation to advance the price of their commodities we trade with them for, which naturally drain us. Our exports are abundantly short of what they were so lately as ten years ago, both in quantity and produce. These circumstances evince riches not to be the cause of the high price of provision. Vanity and luxury are the principal engines which have banished the necessary knowledge of the value of money and things. Great part of the appearance of trade in this metropolis being carried on by persons wholly improper for any engagement therein, being devoid of every reality consonant thereto, who over-reach, under-sell, and buy promiscuously, as their artifice can devise, and necessities require—which they deem common to all.—These are a people, I apprehend, it very necessary to lay under

der the band of restraint for the public good, as they are luxurious consumers and despoilers of inland and foreign imports, and of no use in export. They may justly be deemed vicious persons, propagating many bad customs, travelling with an ostentatious pocket, which sets low cunning at work.—But as no law can well restrain them, it concerns the wealthy dealers, who settle and uphold them, to be more strict; and to introduce the custom, from time to time, at their option, to inspect into the state of their proceedings, which would cheque their useless indulgencies.—In the beginning it might be attended with some difficulties: let not that dishearten; they cannot do without you, and unless they comply, must return to what they are better adapted to, servants; rents thereby will be more moderate, and a fairer opportunity given to persons of merit and talents, that have been regularly trained in reality of trade to settle themselves; whose diffidence (from a thorough knowledge of the propriety of conduct requisite therein) makes an establishment appear too hazardous to attempt among such swarms of adventurers who fill the Gazette weekly with proofs of their folly and roguery. Example precedes reason and law. If the nobility, with their dignified dames, would make it fashionable among them, to have but three or four dishes at their table, the apes of grandeur would readily fall into it; and whatever mode of diet they established for their servants, their imitators would prescribe inferior for theirs. This circumstance in a few months might be made surprisingly to increase the general stock of provision, which is the principal thing required;—for clog but the farmer, &c. therewith, and you destroy all their cunning, and break the whole chain.—Money must be had to pay rent, taxes, wages, wear and tear of utensils, cloathing, education of children, pocket indulgencies, with many other things, for all which stock must be bartered; besides, if we continue to go on as of late years, what would be the consequence if the Almighty in his displeasure should visit us with distemper among the cattle, or dearth on our harvest? both of which we are not strangers to. Then should we be too late convinced, that, like the grasshopper, our summer-song destroyed us in the winter. The present superfluous consumption approaches near to both in effect, though not proof of reality, as there are in Smithfield every market-day plenty of fat stock to kill, and of lean bought to fatten in the environs of London; but we see and feel it causes too great a demand and unnatural decrease, which breaks in upon stock to be reserved for unforeseen emergencies, and fairly to establish what may be called with

propriety

propriety, Plenty. It was common a few years back to eat of beasts seven or eight years old, mutton five or six; you may now wear a pair of shoes out to partake of either—A just alarm; but the prospect, with the means, we have before us, to all human foresight. One twelvemonth's prudence and right management will re-establish in safe and useful circulation. The supineness of the legislative power, as well as that of the wealthy, at this alarming crisis, is astonishing; but Government seems chiefly intent on the scramble for the loaves and fishes, notwithstanding insurrection stares them so boldly in the face, nor is it easy to acquit their humanity: It may be too severe to determine that they are intoxicated in degeneracy of vice and pleasure. The army is a happy weapon in their hands. But view those poor fellows at five-pence per day, (the establishment of virtuous times) and think whether their sinews would not revolt at what may be deemed their duty, to pull a trigger against a starving fellow creature actually providing for them.—The cravings of nature must be supplied, and bodily strength supported for useful purposes. It is a folly to talk of sobriety and œconomy among the labouring body of people; they are born with the same passions as the rich, though not with the same means to cultivate and indulge them, which makes their enjoyments coarser: there lays all the difference—Let them spend the little they get as they like, without your envy; they support you nobly in voluptuousness and folly, at the expence of their health and strength, through every inclemency you shudder at. They may be considered as a pattern of virtuous fortitude, by passing through life embarrassed with every difficulty and inconvenience; which the rich, when attacked with, by having dissipated their wealth, rather than enlist under their banners, frequently put an end to with a pistol or halter. And whatever construction a lazy or weak judgment may put on their morals, their number may justly alarm; for they are more than six million of the eight which are commonly commonly computed to compose the inhabitants of this isle. Among them are the Militia, and many disbanded soldiers; it is they who fight and win your battles, and you'll see further on, you make leaders for them.—Rouse then, for it is granted there is virtue, humanity, and charity in useful quantity in this land, although governed by fashion; then change but the fashion, and they will flow in their purest streams, and diffuse the bounties of Heaven in their intended channels. As to servants grumbling, it requires no notice, as they cannot earn money to support themselves, and are the least useful body to community of the human species: dismiss them and

and pass them down to labour, they will soon be humble enough. Attendants you cannot want, as there are many thousands well-bred would gladly serve for their subsistence —to such a height is distress arrived! Our reverend fathers teach with all true believers the heinousness of the sin of murder, and emphatically denounce damnation to the suicide; but both agree, that self-preservation is the first law of nature. Then, O ye rich! behold the havock you are making, and kindle not the wrath of the people, who are daily incensed at the new inventions for luxury. See, here comes another troop, with their families of innocent victims for slaughter, composed of the inferior clergy, half-pay sea and land officers, office clerks of various denominations, superannuated pensioners, worn out in their country's service, with thousands of petty tradesmen breaking daily, and hundreds of thousands of different employs starving, whose honest abilities cannot procure a subsistence; all owing to your luxury and bad example, which hath increased vice and profligacy, diminished understanding, extended extortion on the necessaries of life, to double the price on which their salaries, pensions, profits, and arts, were calculated to—They will certainly teach you—the farmer, the grazier, the revelling, illiterate butcher, who pretends to account for that he knows nothing of, with the butter and cheese factor, and diabolical gardener, who prays for a failure of crop, that he may have less labour and more profit, and throws away his plenty to keep up the price, with every other thriving dependant on your vices—Arithmetic.—You may start at this picture, but it is not exaggerated; and be thankful that pride hath given you time to change your system; for it is pride only which hath hitherto restrained thousands within the rules of society, who are most capable to redress these growing impolitic proceedings, at the expence of their peace of mind, apparel, furniture, and every thing they can raise money on. But when all is gone, desperation follows; for who can behold their wife and children expiring, when the provision made for the lady's lap-dog would preserve them. If the Society think me in the least capable to promote their endeavours, they need but hint it, as I am devoted to the good of mankind.

THINE AND MINE.

To

To the PRINTER.

SIR, *Gracechurch-street, April 27.*

SUFFER me, through the channel of your diffusive publication, to recommend to the mature consideration of the committee (for lowering the price of provisions) and their constituents, of how much importance it may prove to investigate the true causes of the late and present *high prices* thereof, in order that the large sums raised with so benevolent and praise-worthy intention, may most effectually answer the end of affording relief to such who most stand in need *thereof*; which I presume should be, and is, the aim and design of the most humane, charitable and beneficent of mankind. To proceed then, if we look back and examine history about 220 years since, in the reign of Henry VIII. provisions were only about one eighth, or at most one sixth part of the present prices; and the variation in the two next succeeding reigns does not appear to have been considerable; but in the reign of Queen Elizabeth, of glorious memory, great and manifold were the complaints of the people about the advanced prices and dearness of provisions, insomuch that then, as now, it came under the notice of parliament, &c. for redress.—And here let the reader pause and consider, that it was during this period, and the proceeding and succeeding parts of that ever memorable reign, that the *navigation*, and therewith, the *trade* and *commerce* of this growing powerful nation was so remarkably extended at the expence and loss of the before famous Hanse Towns, who, previous to that æra, carried on nearly all the trade of Europe. It was also during this reign that the settling of America with plantations from Europe took place, and the mines of *Peru* and *Mexico* being discovered, and the riches thereof being extracted and transported to Europe, in return for the manufactures of this country, at once greatly extended our manufactures, and enriched the nation also, with gold and silver. The consequence was inevitable: as ambition is a frequent concomitant of wealth, and oft the prompting cause, so is the prevalence of ambition and wealth too frequently the cause of luxury; and hence the advanced prices and dearness of provisions, so heavily complained of in that reign. So also in the succeeding reigns, in which trade and commerce has flourished to the enriching the nation; provisions have constantly increased in value, as well as also the value of estates, which pretty generally will be found to bear some considerable analogy in proportion; and now to bring the con-

consideration of the same operating cause home to the present age, let us only look back to what was the case only twelve or fifteen years ago during the war, provisions were then abundantly lower than at present; but as soon as peace was established, great numbers of foreigners came over to see after their new estates, in our accumulated stocks or funds, which filled the town, &c. with multitudes of strangers, and with the disbanded officers, troops and sailors, so concurred to fill the town, that provisions were temporarily affected thereby, and rents much increased. But what has most contributed to the continuance and increase of the dearness of provisions, and high rents, is the same sort of cause which produced similar effects in the reign before-mentioned, viz. increase of riches, either real or imaginary: for let it be considered that although our transferable stocks are, with few exceptions, what may be, not unfitly called, ideal or fictitious wealth, yet like a paper currency, while public credit remains inviolate, answers to the proprietors nearly the end of real substantial wealth, in regard of his capacity, to expend, or indulge in luxury, and in consequence of about 70 millions of this newly created additional ideal wealth, attended with an increase of annual annuities and dividends, to the amount of more than two millions a year, so impowering the people (an allowance for foreigners holding in our funds excepted) to expend two millions in a year more than they could without it, in consequence thereof, and of our many new acquired plantations and settlements in America, soon after the peace took place, provisions and estates increased in value, and so continued; and became a few years after, viz. in the year 1766, further increased, by our very lucrative acquisitions in the East Indies, which whatever misconduct may have lately arisen, did, for a time, cause an influx of riches, to the amount of near two millions a year more, much of which being laid out in purchasing estates at such prices as the Nabobs, &c. could get them at, with wealth easily acquired in haste, and thus as hastily laid out in purchases. This raised the value of lands, of course, the rents of lands, and, in consequence of this, the farmer necessarily raising the price of his lean cattle, and the price of pasturage advancing with the lands and rents, the ox or sheep, &c. must necessarily sell for more than before, to make it answer to rear them; so is it all, or mostly, thro' a concatenation of causes, found to be arising from the *increase of wealth*, real and imaginary; other more minute causes may, and do, co-operate, such as inclosing commons, engrossing farms, unnecessary salesmen, and carcase butchers,

ers, &c. But I affirm, the principal cause is, the increase of *real* or *ideal wealth*, creating a capacity to expend larger sums, and consequently to indulge in luxury more than before; and if public credit was to fail generally, in respect of the stocks, (which Heaven avert, and I think will scarce happen, but from the woeful misfortune of an unsuccessful war, and which I would willingly hope at a great distance) it would do much more towards making provisions cheap again, than all the efforts now making, of that can otherwise be made; and therefore of two evils let us be content to acquiesce in the least, saving always the necessary laudable endeavours to relieve the indigent, labouring, or manufacturing *poor*, who, I presume, to be the *fittest objects* for the attention and benevolence of the praise-worthy Subscribers and their Committee. *I would therefore recommend*, in lieu of an ineffectual attempt to lower the price of provisions in general, which would be (if effectual) of advantage to the rich and poor indiscriminately, that the provisions, when purchased, may be given away, or sold at *half price*, to such poor manufacturing or labouring people who have *large families*, and who are the people who suffer most, and want most *relief* on account of the *dearness* of *provisions*; and it should be given in proportion to the numbers, infancy, and other incapacities of such families, of which the master manufacturer and workmen will probably be found competent judges on proper enquiry; and those poor, who, being in health, and having work, have *no* families, will not need help, since the price of provisions will keep them to their work another day or two in the week, which they might otherwise spend at the alehouse, &c. to the *prejudice* of the manufactures and their masters, of their own health and morals.

AMOR PATRIÆ.

A Sketch of a Plan for making a General Provision for the Poor in England *and* Wales.

IN the first place every county should have a workhouse, where all beggars should be compelled to reside. Those who are able to work should be obliged to it, and those who are not able should be maintained in a decent manner, but none should be allowed to beg in public on any consideration whatever.—A commissioner for the poor should be appointed for every county, and a steward or trustee for every parish; a list of the poor of each parish should be carefully taken at

ſtated times, atteſted by the parſon, and regularly tranſmitted to the commiſſioner who ſhould reſide in the county town, which commiſſioner ſhould tranſmit an exact liſt at ſtated times, alſo of all the poor in his diſtrict, to the commiſſioner general, who ſhould reſide in London. To this perſon all the poors rates in England &c. ſhould be punctually remitted once a year or oftener; every houſekeeper who is unable to work ſhould have a weekly allowance of 2s. 6d. in the country; but if in London 3s. 6d. per week. The commiſſioner of every county ſhould draw on the commiſſioner general every month for his diſtrict, which he ſhould tranſmit to the ſtewards of the different pariſhes of the county where he reſides, to be diſtributed to the different claimants, as agreed upon. There are fifty-two counties in England and Wales, which I ſhall ſuppoſe contain 60,000 objects of charity, which is ſomething more than 1150 to each county; which on an average, at the rate of 3s. each perſon per week, amounts to 468,000l. per ann. and allowing 32,000l. for expences in building workhouſes and ſalaries to the ſuperintendants, which I ſhould imagine would be much more than ſufficient, according to this calculation the expence of maintaining the poor in England, and Wales, would amount exactly to 500,000l. It has been commonly ſuppoſed, that the money collected for the poor in England alone is at leaſt a million per ann. And after all it does not prevent a multitude of beggars, who ſwarm every where one goes, to the diſgrace of the police of this humane country. I know every ſcheme hitherto offered the public on this knotty ſubject has been greatly defective in point of merit, a ſubject that has baffled the pens of many eminent men: it is therefore perhaps preſumption in me to attempt it; but my love of humanity has notwithſtanding prevailed on me to lay this ſketch before the public, which I do with the more confidence, as I was the firſt who about eighteen months ago gave the hint for erecting a coal magazine, which Sir Charles Whitworth, with ſo much honour and advantage to himſelf, had the merit many months afterwards of bringing to a trial; nor am I altogether without hope, but this ſcheme may alſo meet with the approbation of ſome meritorious perſon, who might fall on ways and means of putting it in execution. But as my calculation reſpecting the number of the poor, &c. is altogether conjecture, all that I contend for, is the mode of proceeding in the management of them, by which method I am inclined to be of opinion, that the public would perhaps ſave little leſs than one half of what they pay at preſent towards ſupporting the poor.

Thus

Thus have I endeavoured to shew the outlines of a scheme of providing for the poor, where every objection I flatter myself is obviated, and every inconveniency removed, and if it were once set on foot, I should not doubt of its giving universal satisfaction to all parties.

A Lover of Humanity.

The Case of the Inhabitants of the SAVOY.

THE case of the persecuted and arbitrarily oppressed inhabitants of the Savoy, as stated in certain queries in the public papers, produces these ulterior remarks in a spirit of justice to them.

The original foundation of the Nullum Tempus tenet in the law was a most just one. The public constitutes an immortal body; and the crown lands being held appropriated to enable the Sovereign for the time being to serve his office of King for the benefit of the public, it was very consequential that such lands should be unalienable. This tenure was strictly feudal, id. est. a tenure of pay.

But in Charles the Second's time, when the feudal tenures were abolished, and an ample provision supplementally made for the maintenance of the Royal office, the research of crown property slackened, which in some instances had fallen into the hands of the actual possessors in the stile and manner of derelicts. The act of parliament however lately passed on occasion of that iniquitous temporary attack on the Duke of Portland has helped to tranquilize several of the powerful and great against future molestation on the Nullum Tempus law. With what colour then of equity, of humanity, of regard for common decency, the poor inhabitants of the Savoy could be specifically excepted, is left to the candid public to determine.

But in what a light of horrid and shameless oppressiveness will not this attack on the property of the poor householders of the Savoy appear, when it shall be known that while the crown lawyers affect to treat them as usurpers, invaders, and wrongful possessors of the crown property in the premises, the ministers and officers of the crown are themselves manifestly guilty of that very usurpation which they want to fix upon the householders in the Savoy.

Nothing is more certain than that the Duchy of Lancaster is no more crown land than the Electorate of Hanover, notwithstanding their concentering in the same person.* The tenures are essentially different; and both the law and the state

 consider

consider and treat them as such. They are under different orders, regulation and government with great propriety, since the tenures of the crown and the duchy are in their nature absolutely distinct objects. The one originally public property, the other accidentally private; and surely in quality of a subject title liable to all equality with that of other subjects of the realm in common; and the plea of prescription is as valid against the Duke of Lancaster, or against those that pretend to hold from him or his bequest, as against any other peer or commoner of the kingdom. No stream rises higher than its spring. A duchy cannot be a royalty, nor entitled to the prerogatives of the crown.

There is much more yet. There had been an hospital founded in the Savoy, of which the support had arisen from the revenues of the precinct. That hospital had suffered dissolution by the neglect of the administrators or officers of the Chancery of the Duchy; and the service due thereon being no longer performed, the premises, very likely through this neglect and dereliction which begot a kind of implicit forfeiture, remained unchallenged and unmolested in the hands of the innocent tenants of that time above fourscore years ago, who at the worst were guilty of no other wrong than keeping a possession which nobody disputed with them; and of which, what titles they had, or whether they had any other at all in actual possession, the law refuses to take any notice after a certain term of years that form the prescription between subject and subject, between the present possessors of houses in the Savoy, and the Duke of Lancaster or his heirs.

It has been precedently said that the Crown has been in this case guilty of the very usurpation which it falsely reproaches to the householders of the Savoy. Nothing is more true: The barracks, the prison, &c. are all illegal incroachments on the Duchy of Lancaster; and now to give some colour of law to that incroachment, they want to obtain an act from their known majority in parliament for changing the names of the different tenures, and for giving the appellation of Crown Lands to premises that never belonged, unless by usur-

* That such distinctions of feudal tenure of land is no new doctrine, no temporarily imagined plea, will appear from this plain fact, that kings of France have, under lower titles in quality of vassals to their own subjects, done homage to them for certain lands. Different tenures constitute different rights. The King, as King holds from the people, as the Duke of Lancaster from a private subject, and nothing more. These rights are not to be confounded.

usurpation, to the Crown, and were most unquestionably originally part of the Duchy.

They have done more. They have compelled or received rents from some of the intimidated housholders of the Savoy in the name of the Crown; which, as if they had been sensible of the illegality and indefensibleness of the extortion, were presumably never paid into the Exchequer, at least its books ought not to have made entries of them, since the recovery of such rents never belonged to it, at least in the first instance.

In the mean while they have made themselves so sure of carrying their point of crushing the poor inhabitants of the Savoy by an iniquitous judgment, that their officers have been seen with their instruments of admeasurement marking out their unhappy victims, which is no wonder in times that nor equity, nor honour, nor the laws, nor the due protection of parliament, can defend the subject against any violences of a power armed with the terrors of a dead majority, and of a fatal influence over such numbers of the servile and corrupted.

To the PRINTER.

SIR,

THE papers have for a long time past been filled with disputes concerning the laws of England as they now stand; some writers have asserted that they are very deficient, whilst others have with equal positiveness affirmed, that they are the compleatest body of laws that any country can produce. I have with great attention perused the letters of the advocates on both sides of the question, and though I must confess that a great deal of learning is in them, yet I think the authors of them have entirely mistaken the question, which in my opinion is not, whether the present laws are good or bad, but whether the ministers who are to see that the laws are put in execution without prejudice or partiality, have sense and courage to see that punishment is passed upon the guilty, without regard to the quality or importance of the criminal. It seldom or never happens that laws are bad in themselves, but become so either through the wickedness or weakness of the governors of a nation: did *they* possess that good sense and goodness of heart which the original law makers intended every man should be master of who should be set over a people to be their ruler, no laws exist of which they need complain. I shall therefore not enquire into the perfection or defect of our laws, but of our mini-

ministers. If matters go wrong in a state, those who have the management thereof must be to blame, and ought to be answerable for their bad conduct as the law of their country directs. First, let us make it our business to learn whether the body of people at large are dissatisfied: and if so, secondly, the cause of their uneasiness. That they are dissatisfied, abundantly appears from the most solemn testimonies they have repeatedly made against the present rulers, in every mode that the laws would authorize; and so publickly have they complained and shewn their disapprobation and resentment of the injuries and insults offered to them, that no person in the country can be a stranger to their abhorrence of the ministers now in power. The cause therefore of their dislike remains only to be considered. Indeed I have often been surprized at the narrowness of the reasoning of those men who ascribed the ferments of the nation, which happened soon after the accession of his present Majesty, to Mr. Wilkes, as if it were possible for one man (and pray, reader, mark whom) to rouze the resentment of a whole nation and its colonies. Ridiculous supposition! It is not in the power of ten thousand Wilkes's to make England ungrateful or disobedient, without sufficient cause. We must not date the beginning of the nation's distrust so far only as three or four years back, for it originated much earlier, within three months after the death of the late good old king. The people were satisfied and united till their old and faithful governors were discharged and insulted, under whose able administration their armies were victorious abroad, and their liberties preserved at home; in their stead, a set of ignorant sycophants introduced, without ability to direct, or inclination to be honest. It were needless to mention what ministers were dismissed, or by whom they were succeeded; I mean only to warn my countrymen against the sophistry of ascribing the popular discontent to any defect in the laws, or to the influence of any one man, or of its being a blaze produced on a sudden. The conduct of my countrymen has been grateful, sensible, and spirited; and I hope to see the vengeance of this nation burst forth with irresistible fury on the heads of those wretches, whose hellish cabals have loaded us with so much ignominy, and brought on us such insupportable misfortunes.

BRUTUS.

The

The Bill * for the better regulation of the East-India Company's Affairs being brought in by Sir George Colebrooke and Mr. Sullivan; and the Speaker having put the Question whether he should leave the Chair, Mr. Cornewall said,

Mr. Speaker,

HAVING all along disapproved of the present bill, both on account of the matter, and the manner in which it was introduced, and having been lately appointed one of the select committee for enquiring into the state of the East-India Company, I cannot now help entering my protest against your leaving the chair. I have attended that committee more closely than most other gentlemen: and from what I can see the course of their enquiry will furnish this house with very material lights. But then it will be impossible for them this session to go through a twentieth part of the task imposed upon them. Will you then, when it is impossible for you to come at nineteen parts in twenty of the necessary information, proceed to establish a system of permanent laws and regulations at Bengal? Consult your journals; you will never be able to find a single example of proceeding thus *ex parte*. Consider that this act is not intended for a temporary expedient, but for a lasting, if not a perpetual charter. I do not mean to tell tales out of school: but I will venture to promise that the report of the select committee will contain matter very proper for your consideration on this occasion. Drop then the idea of passing an act, while a committee of your own house sits deliberating upon the subject, and finds matter growing upon their hands to such a degree, that it will be impossible for them to come to a final conclusion before the end of the next session of parliament. This idea it was that induced them to propose to the house the erection of a court consisting of a few persons for the special purpose of enquiring into the state of East-India affairs, and of having a report ready for the house after the recess. Since my plan did not take place, I beseech you to wait the issue of your own. The present bill has not come into the house in the regular and usual manner. We are not properly informed whether it does or does not come from the proprietors. If it does, why did they not apply by petition, and prove the allegations contained in it at your bar? We should thus have something firm and solid to grasp, not a mere shadow, which nobody will avow. We are going to redress grievances, whose existence has not been ascertained

* See a copy of this Bill in our last number.

certained in a judicial and parliamentary manner. Not a single witness has been examined at your bar.

Had this plan been pursued, it would, I believe, have appeared, that the present complaints concerning the mal-administration of justice in Bengal, arise from the charter granted to the Company about twenty years ago. I am pretty well informed, that before that period there were few or no complaints, and few or no reasons to complain, but such as will happen in the best governed countries. The old charter was found to answer very well all the purposes of the settlement. Would it not be worth while, before we enter upon new regulations, to enquire whether the restoration of the old might not effect every good purpose intended by this new court of justice. For these and various other reasons, which will naturally occur to every gentleman, and which for fear of exhausting the patience of the House I omit, I must, tho' I should be single in the motion, oppose your leaving the chair.

Mr. Townsend said, that the honourable gentleman needed not to be afraid of being single in supporting so reasonable a proposition; that not only for the reasons already urged he must second him, but likewise for this, that he had never heard any argument for proceeding in the affair without the lights expected from the committee, but one, to wit, that we might upon the general principles of reason and policy frame a system of laws a priori for any country, and therefore for Bengal; that this doctrine appeared to him as absurd as if any one should insist that, because a taylor had a general idea of making a coat, he would be able to fit his particular person without having seen or ever measured him.

Richard Whitworth said that, if this motion succeeded, fifteen millions of people would remain two years without any relief from the intolerable grievances, under which they now laboured; that therefore he was for going into the committee, and for rejecting what was improper, and amending what admitted of amendment; that though they had not taken exact measure of the people of Bengal, and therefore could not exactly fit them with coats, yet, as they were absolutely naked, it was but charity to send them a few rags to cover their nakedness; that, if the honourable gentleman who introduced the story of the taylor, were in their situation; that is, without any coat at all, he would be glad of a blanket or rug to cover him from the inclemency of the seasons, from the rapacity of the Company's servants.

Upon a division, Mr. Cornwall's motion miscarried, and the House went into the proposed committee.

[*An Account of the Debate in our next.*]

INDEX.

Leeward

HM